

# Comhairle Chontae Atha Cliath Theas

**PR/0440/23**

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

**Reg. Reference:** SD22A/0342      **Application Date:** 23-Aug-2022  
**Submission Type:** Clarification of      **Registration Date:** 29-Mar-2023  
Additional  
Information

**Correspondence Name and Address:** KPMG Future Analytics 1, Stokes Place, St.  
Stephens Green, Dublin 2

**Proposed Development:** Construction of a four-storey apartment block ( 4224 sq.m) consisting of 58 age friendly residential units comprising 20 one bedroom units and 38 two bedroom units with associated private balconies, associated lift and stair cores, entrance lobby, and circulation space; Provision of a community facility (99.3 sq.m) and ancillary accommodation including refuse store (26.9 sq.m), cycle store (36 sq.m), plant room (46.2 sq.m), sub-station (14 sq.m), switch room (16 sq.m), landscaped public open space (907.4 sq.m) and communal open space (1225.6 sq.m), and 30 car parking spaces and 80no. cycle parking spaces to serve the development; Vehicular access to the development will be provided via an upgraded entrance from Tay Lane with a minor pedestrian access provided from Eaton Drive to facilitate direct linkages to the town centre; Planning permission is also sought for all ancillary site and development works above and below ground to facilitate the development including the provision of internal access roads and pedestrian / cycle pathways and linkages, boundary treatment, public lighting, hard and soft landscaping, services, rooftop PV panels and associated signage.

**Location:** Lands located to the east of Tay Lane, Newcastle Road, Rathcoole, Dublin 24

**Applicant Name:** Riverside Projects Limited

**Application Type:** Permission

### **Site Description and Surroundings**

This is a greenfield site in Rathcoole Village, located between the site of Glebe House to the south, Eaton Square development to the east, and the N7 to the north. Irregularly 'L' shaped, the

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site adjoins St. Brigid's Cottage, a single house with outbuildings on a large plot to the north and west. The site is accessed from St. Brigid's/Tay Lane, which presently provides pedestrian facilities only on its western side.

Site Area: 0.473 Ha.

### **Description of Development**

Construction of a **four-storey apartment block (4224 sq.m) consisting of 58 age friendly residential units comprising 20 one bedroom units and 38 two bedroom units** with associated private balconies, associated lift and stair cores, entrance lobby, and circulation space; Provision of a community facility (99.3 sq.m) and ancillary accommodation including refuse store (26.9 sq.m), cycle store (36 sq.m), plant room (46.2 sq.m), sub-station (14 sq.m), switch room (16 sq.m), landscaped public open space (907.4 sq.m) and communal open space (1225.6 sq.m), and 30 car parking spaces and 80no. cycle parking spaces to serve the development; Vehicular access to the development will be provided via an upgraded entrance from Tay Lane with a minor pedestrian access provided from Eaton Drive to facilitate direct linkages to the town centre; Planning permission is also sought for all ancillary site and development works above and below ground to facilitate the development including the provision of internal access roads and pedestrian / cycle pathways and linkages, boundary treatment, public lighting, hard and soft landscaping, services, rooftop PV panels and associated signage.

### **Development Statistics**

	SD22A/0342
<b>Total Units</b>	<b>58 Apartments</b>
<b>Unit Mix</b>	
<b>1-Bed</b>	23 (40%)
<b>2-Bed / 3-Person</b>	35 (60%)
<b>Total Units</b>	58
<b>Development</b>	
<b>Site Area</b>	0.47 Ha.
<b>Density</b>	123 D/Ha.
<b>Building Height</b>	1 & 4 Storeys
<b>Gross Floor Area</b>	3,635 sq.m
<b>Plot Ratio</b>	0.93
<b>Site Coverage</b>	30%
<b>Dual Aspect</b>	35% as per HQA
	70% as per Planning Report

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Amenity Space	
Public Open Space	907.4 Sqm Stated
As % of Site	19.3%
Prospective Population (as per County Development Plan)	87
Ha. per 1,000 of Population	10.4
Communal Open Space	1225.6
Community Infrastructure	
Community Amenity	86 sqm
Parking	
Car Parking (Residents)	27 Spaces
Car Parking (Visitors)	3 Spaces
Bicycle Parking (Long-Stay)	56 Spaces
Bicycle Parking (Short-Stay)	24 Spaces
Parking Ratio	
Car Parking	0.52
Cycle Parking	1.38

### **Zoning**

The site is subject to the 'RES' zoning objective, "To protect and/or improve residential amenity."

### **SEA Screening**

There is a registered monument on the site, a holy well (RMP Ref: DU021-03004).

The site overlaps with the following:

- Rathcoole registered monument (RMP ref: DU021-030 – villages);
- Casement Aerodrome approach surface and take-off surface, and inner horizontal surface;
- Casement Aerodrome significant noise and bird hazard areas; and
- Rathcoole Village ACA

### **Consultations**

#### **Internal**

Roads

Requests Additional Information.

Housing

No objection, subject to conditions.

Public Realm

Requests Additional Information.

Water Services

Requests Additional Information.



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- SDCC should produce a masterplan for a combined site with the site to the south, to include small retail, medical, community and business activities.

#### Cllr Eoin O'Broin

- Noise from N7 is a major issue. The Noise survey concentrates on internal levels of noise, but balconies should be enclosed with retractable sliding doors/windows/blinds to allow people to use them without being exposed to the noise.
- Development is acceptable if the traffic impact will be low.
- Endorses comments of Rathcoole Community Council.

#### Planning History

##### Subject Site

SD05A/0787: Permission **refused** by An Bord Pleanála (upholding a decision of SDCC) for demolition of existing derelict dwelling & construction of **52 no. units** in 2 no. new blocks - Block A consisting of 4 storey inclusive of penthouse (14 x 1 bed, 10 x 2 bed & 2 x 3 bed townhouses) & Block B consisting of 4 storey inclusive of penthouse (14 x 1 bed, 10 x 2 bed & 2 x 3 bed townhouses) with balconies, terraces & associated landscaping, 84 car-parking spaces accessed from parking granted as part of adjacent Eaton development & provision of bicycle parking, bin-stores & associated site works. A total of 48 apartments & 4 townhouses will be provided within landscaped open spaces & site works. The development is to be accessed via new vehicular entrance at Tay Lane.

Reasons for Refusal were:

1. It is considered that the scale and excessive density of development proposed on a constrained and restricted site would be inconsistent with the established pattern of development at this location and would represent an inappropriate form of development within a village setting. The proposed development would therefore contravene terms of the South Dublin County Development Plan in relation to infill development (S12.2.5i) and density (Section 11.7.VII), would seriously injure the amenity and depreciate the value of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.
2. The proposed development would represent a substandard form of residential development by reason of the inadequacy of public and private open space, parking provision and unit size, and would give rise to undue overlooking and overshadowing of adjoining residential properties. The proposed development would therefore materially contravene the development standards of the South Dublin County Development Plan and the zoning objective namely 'To protect and/or improve residential amenity'.
3. Access and parking arrangements are considered substandard by reference to the requirements of the Planning Authority. The development would therefore interfere with

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the safety and capacity of the adjoining road network and be contrary to the proper planning and sustainable development of the area.

**SD03A/0629**: Permission **refused** by An Bord Pleanála (overturning a decision to grant permission by SDCC to grant permission) for residential development of **40 no. apartments** to comprise of: (1) Demolition of existing dwelling house and out buildings. (2) Construction of Block A, facing Tay Lane roadway, 2 & 3 storey pitched roofed building comprising 13 no. x 2 bed apts. and 1 no. x 1 bed apt. (3) Construction of Block B, facing the N7 roadway, 2, 3 & 4 storey mansard roofed building comprising 22 no. x 2 bed apartments and 4 no. x 1 bed apts. (4) Relocated entrance way at Tay Lane, access road through to adjoining lands to the east and south, 67 no. car park spaces and all associated site works. (5) A protected structure (St. Brigid's Well) is located adjacent to the site of the proposed development.

**S01A/0431**: Permission **refused** by An Bord Pleanála (overturning a decision to grant permission by SDCC) for demolition of a dwelling and erection of a residential development of **35 no. units** to include (1) Block A - two storey building with roof penthouse level over, comprising ten apartments (2) Block B - two storey building with roof penthouse level over, comprising 25 apartments (3) re-located entranceway, car-parking, bin storage and all associated site works. A protected structure (St. Brigid's Well) is located on the site of the proposed development.

**S00A/0412**: Permission **refused** by An Bord Pleanála (upholding a decision of SDCC) for demolition of dwelling and erection of residential development of **40 no. units** to include: (1). Two storey pitched roof terraced block with roof level accommodation and dormers over, comprising 7 no. houses. (2). 2 storey pitched roof block with roof penthouse level accommodation and dormers over and basement level parking, comprising 33 no. two bedroom apartments. (3). Relocated entrance way, car parking and all associated site works.

### **At Glebe House (Protected Structure, RPS. 313), Main Street (Site to south)**

**SD17A/0036**: Permission **granted** by An Bord Pleanála (upholding a decision of SDCC) for a new **69 bedroom Aparthotel with reception, restaurant/coffee shop and bar on ground floor, function room on first floor, with 15 retail units and 4 market stalls.** Development would consist of demolition of some existing structures and the provision of new extensions to the protected structure, and 3 no. 3-storey guest wings. Site clearance works have taken place.

**SD05A/0400**: Permission **granted** for demolition of single-storey structures attached to Glebe House & nearby single-storey shopping mall & assorted structures on a site surrounding the Glebe House: construction to consist of **39 no. apartments and 7 no. retail units** in 3 no. new blocks at 1, 2 and 3 storeys plus attic accommodation.

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SD04A/0835: Application **withdrawn** regarding demolition of 2 chiefly single-storey structures attached to Glebe House, a freestanding single storey apartment, the nearby single-storey Shopping Mall & assorted non-residential structures within the yards of Glebe House: construction is to comprise **58 no. units and retail** in 3 no. blocks.

**At St. Brigid's Cottage, Tay Lane (Site to north and west)**

SD99B/0233: Permission **refused** for Two storey dwelling - an extension to existing cottage.

### **Planning Enforcement History**

None.

### **Pre-Planning Consultation**

PP028/20: Attended by Fiona Redmond (Senior Planner) and Sarah Watson (Executive Planner) of the Planning Department as well as representatives from other departments. Noise, landscape design, tree survey, issues with Tay Pumping Station, Parking, Lighting, Conservation and Housing raised.

### **Relevant Policy**

#### **National Policy**

The relevant policy documents are detailed below. The Planning Authority are of the opinion that of most significant relevance is the National Planning Framework (NPF). In this regard, National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of 'Compact Growth'. The NPF states,

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

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

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

and National Policy Objective 3a, which states,

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

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The National Planning Framework also includes a specific Chapter, No. 6, entitled 'People, Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

### **Other Ministerial Guidelines and Policy**

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

**Rebuilding Ireland: Action Plan for Housing and Homelessness**, Government of Ireland (2016).

**Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**, Department of Housing, Planning and Local Government (2020).

**Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas**, Department of the Environment and Local Government (2009).

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)

**Quality Housing for Sustainable Communities-Best Practice Guidelines**, Department of the Environment, Heritage and Local Government (2007).

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

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

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



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**Architectural Heritage Protection – Guidelines for Planning Authorities, Department of Arts, Heritage and the Gaeltacht (2011).**

**The Framework and Principles for the Protection of Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands (1999)**

**National Disability Inclusion Strategy, Government of Ireland, 2017, Dublin Local Authorities, 2018.**

**Housing Options for our Ageing Population, Department of Housing, Planning & Local Government and Department of Health (2019).**

**Dublin Agglomeration Environmental Noise Action Plan, 2018 – 2035,**

**Departmental Circulars, Department of Housing, Planning and Local Government (2020) – as listed:**

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy
- Circular NRUP 02/2021 - Residential Densities in Towns and Villages

**Circular Letter NRUP 03/2021 – s.28 Guidelines on the Regulation of Institutional Investment in Housing**

**Non-Governmental Policy Documents of Relevance**

**Building for Everyone: A Universal Design Approach, National Disability Authority.**

**Age Friendly Principles and Guidelines for Planning Authorities, Age Friendly Ireland, 2021.**

**Housing for Older People – Thinking Ahead, Housing Agency, 2016.**

**ProPG Planning and Noise: Professional Practice Guidance on Planning and Noise.’ UK Chartered Institute of Environmental Health**

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

Chapter 2 Core Strategy and Settlement Strategy

Policy CS1 Strategic Development Areas

Section 2.6 Total Land Capacity within Strategic Development Areas

Table 2.8 Total Land Capacity within Strategic Development Areas

Table 2.9 Capacity of undeveloped lands within South Dublin

Policy CS5 Lands for Employment

Section 2.7 Settlement Strategy

Policy CS6 Settlement Strategies – Strategic Planning Principles

Section 2.7.1 Dublin City and Suburbs

Section 2.7.1: Tallaght

Policy CS7 Promote the consolidation and sustainable intensification of development within the Dublin City and Suburban settlement boundary.

Section 2.7.2 Self-Sustaining Growth Towns / Self-Sustaining Town

“Rathcoole has limited public transport provision and social services to date. Some improvements will be made as BusConnects brings improved services and overall accessibility to Celbridge, Dublin City Centre, Grangecastle, Hazelhatch train station and Saggart Luas Stop. It is important that Rathcoole develops at an incremental pace, based on the delivery of social, physical and transport infrastructure and services. The capacity of zoned lands is considered to be sufficient to meet long term demand for the settlement.”

Policy CS10 Rathcoole

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH1 Overarching

Policy NCBH2 Biodiversity

Policy NCBH5 Protection of habitats and species outside of designated areas.

Section 3.4.2 Archaeology

Policy NCBH13 Archaeological Heritage

Section 3.5.2 Protected Structures

Policy NCBH19 Protected Structures

NCBH19 Special Local Objective 3: “To protect Glebe House RPS Ref. 313 (Former Mary Mercer Trust Charter School for Girls), Rathcoole”.

Section 3.5.3 Architectural Conservation Areas

1. Rathcoole Village

Policy NCBH20 Architectural Conservation Areas

Policy NCBH21 Vernacular / Traditional and Older Buildings, Estates and Streetscapes

Policy NCBH22 Features of Interest

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Section 3.6 Architectural Conservation, Adaptability and Placemaking

Policy NCBH23 Architectural Conservation and Design

NCBH23 Objective 3

NCBH Objective 4

NCBH23 Objective 7

Policy NCBH24 Adapting and Reusing Historic Buildings

Policy NCBH25: Placemaking and the Historic Built Environment

NCBH25 Objective 3: To support certain appropriate backland development in villages.

Policy NCBH26: Climate Change, Adaptation and Energy Efficiency in Tradition and Historic Buildings

Chapter 4 Green Infrastructure

Policy GI1 Overarching

GI1 Objective 4

To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Policy GI2 Biodiversity

Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES).

Policy GI3 Objective 4

To uncover existing culverts where appropriate and in accordance with relevant river catchment proposals to restore the watercourse to acceptable ecological standards for biodiversity wherever possible improving habitat connection and strengthening the County's GI network.

Policy GI4 Sustainable Drainage Systems

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

GI4 Objective 3:

To require multifunctional open space provision within new developments to include provision for ecology and sustainable water management.

GI4 Objective 4:

To require that all SuDS measures are completed to a taking in charge standard.

Section 4.3.1 Components of the GI Network

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Figure 4.4. Green Infrastructure Strategy Map

Chapter 5 Quality Design and Healthy Placemaking

Policy QDP1 Successful and Sustainable Neighbourhoods

Policy QDP2 Overarching – Successful and Sustainable Neighbourhoods

Policy QDP3 Neighbourhood Context

QDP3 Objective 2: special character of villages

QDP3 Objective 3: design standards and context in villages

QDP3 Objective 5: appropriate height in villages

Policy QDP4 Healthy Placemaking

Policy QDP5 Connected Neighbourhoods

Policy QDP6 Public Realm

QDP6 Objective 2: public realm improvements in villages (SDCC initiatives)

QDP6 Objective 3: public realm improvements in villages

Policy QDP7 High Quality Design

Policy QDP8 High Quality Design – Building Height and Density

Policy QDP8 Objective 2

Policy QDP9 High Quality Design - Building Height and Density

Policy QDP10 Mix of Dwelling Types

Chapter 6 Housing

Policy H1 Housing Strategy and Interim Housing Need and Demand Assessment

Section 6.3.1 Housing for Older People

Section 6.3.2 Housing for Persons with Disabilities and/or Mental Health Issues

Policy H3 Housing for All

Support the provision of accommodation for older people and people with disabilities and / or mental health issues within established residential and mixed use areas offering a choice and mix of accommodation types within their communities and at locations that are proximate to services and amenities.

Policy H7 Residential Design and Layout

Policy H8 Public Open Space

Policy H9 Private and Semi-Private Open Space

Policy H10 Internal Residential Accommodation

Chapter 7 Transport and Movement

Policy SM1 Overarching – Transport and Movement

Table 1 7.1 Cycle South Dublin Routes and Projects

Policy SM2 Walking and Cycling

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SM2 Objective 12: Signage in villages

SM2 Objective 17: Cycling facilities in villages.

Policy SM3 Public Transport – General

Policy SM3 Public Transport – Bus

Policy SM3 Public Transport – Rail, Transport Interchange and Park and Ride

Table 7.5 Six Year Road Plan

Policy SM5 Street and Road Design

Section 7.9 Transport Studies and Traffic Management

Policy SM6 Traffic and Transport Management

SM6 SLO 1: To carry out a traffic and transport study for Rathcoole, Saggart and Newcastle and the surrounding areas following the publication of the GDA Strategy review to 2042 which will clarify the context within which the road network in the area will function and to include a review of HGV movement.

Policy SM7 Car Parking and EV Charging

SM7 Objective 7: Nature of parking and parking restrictions in village centres

Chapter 8 Community Infrastructure & Open Space

Policy COS1 Social Inclusion and Community Development

Section 8.4.1 Social / Community Infrastructure Audit

Section 8.4.3 Universally Accessible Social / Community Facilities

Policy COS2 Social / Community Infrastructure

Policy COS5 Parks and Public Open Space – Overarching

Section 8.7.3 Quantity of Public Open Space

Policy COS7 Childcare Facilities

Policy COS8 Primary and Post Primary Schools

COS8 SLO1: To identify a site for the appropriate location of a new post primary school within the Neighbourhood Area of Citywest / Saggart / Rathcoole / Newcastle to provide for the needs identified for the catchment area by the Department of Education.

Policy COS10 Libraries

COS10 Objective 2: Support a new library in the Rathcoole environs.

Chapter 10 Energy

Policy E3 Energy Performance in Existing and New Buildings

Policy E4 Electric Vehicles

Policy E5 Low Carbon District Heating Networks

Chapter 11 Infrastructure and Environmental Services

Section 11.8 Airports and Aerodromes

Policy IE8 Environmental Quality

Policy IE9 Casement Aerodrome

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Policy IE13 Noise

Chapter 12 Implementation and Monitoring  
Section 12.3.5 Landscape Character Assessment  
Rathcoole – Historic Urban landscape type

### **Assessment**

The main issues for consideration are:

- Principle of Development
  - o Zoning and council policy
  - o Settlement Policy
  - o Residential Density, Land Use and Transport
- Residential Amenity and Housing for Older People
  - o Unit size
  - o Unit Layout and Age-friendly design
  - o Unit Mix
  - o Aspect
  - o Housing for Older People
  - o Universal / Accessible Design
  - o Social Housing / Part V
- Quality Design and Healthy Placemaking
  - o Noise
  - o Design and Layout
  - o Building Height and Scale
  - o Daylight and Sunlight Analysis
- Heritage: Archaeology
- Open Space, Green Infrastructure, and Natural Heritage
  - o Trees
  - o Green Infrastructure
  - o Culvert / diversion of stream
  - o Ecology
  - o Provision of public open space
- Sustainable Movement
  - o Traffic
  - o Car Parking
  - o Pedestrian Facilities
  - o Pedestrian Permeability

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- Drainage
  - o Irish Water
  - o Water Services
  - o Culvert / diversion of stream
- Public lighting
- Aviation
- Taking in Charge
- Screening for Environmental Impact Assessment
- Screening for Appropriate Assessment

### **Principle of Development**

#### Zoning and Land-Use Policy

The site is subject to the 'RES' land-use objective, "to improve and/or protect residential amenity." The proposed use is 'housing for older people' and is permitted in principle under this zoning, subject to all other relevant policies and the impact on adjoining residential properties.

#### Settlement Policy

The South Dublin County Development Plan 2022 – 2028 commits South Dublin County Council to undertaking a Traffic Study in Rathcoole during the lifetime of the plan. The County Development Plan also advises that residential development in the area should be provided in tandem with appropriate amenities. The Plan also supports infill development in the village core.

The proposed development is for residential development for older people only, on a site which currently accommodates an office within the protected structure. The units are located in the 'RES' zoned area. The site immediately to the south is to be redeveloped under an existing permission – under which some works have already taken place – and which shall include additional retail and other services.

The delivery of 58 apartments at this location may be acceptable subject to a favourable assessment of its impact on traffic and other services in the village and an assessment of issues relating to overdevelopment. This is dealt with in other sections of the report.

#### Residential Density, Land Use and Transport

The proposed residential density is **128 dwellings / ha**. This would be an appropriate density for a 'central and/or accessible location' as per the government's most recent density guidance, contained in 'Sustainable Urban Housing: Design Standards for New Apartments' (2020). This is considered to be a high density for a site located in Rathcoole village, given the sustainable transport options and level of local services available.

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The County Development Plan encourages the siting of housing for older people close to service centres; however, the overall density at the site, and the particular type of housing for older people sought, indicates that the development would significantly impact the surrounding roads network (as per Roads Department report). Due to lack of sustainable options, higher levels of car parking are recommended by the Roads Department; the proposed surface level car park already would occupy approximately a third of the site, and pedestrian facilities are non-intuitive on the site, and severely lacking on Tay Lane. Overall, **there are a number of indicators of overdevelopment in the proposal, and a reduction in scale would be appropriate.** The applicant can advance this by way of **additional information.**

### **Residential Amenity and Housing for Older People**

#### Unit Size

The proposed units each comply with requirements under the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) for minimum floor area, and sufficient numbers of units are sized at 110% or higher of minimum sizes, to comply with section 3.18 'Safeguarding Higher Standards', of those guidelines.

#### Unit Layout and Age-friendly design

With regard to storage space, living area space or any other measures contained in the guidelines, the submitted documentation is deficient. The applicant identifies unit types A, B, and C, and several variations thereof (A1, A2, etc.); however, no unit type plans are provided and the 1:200 site plans provided are not of sufficient detail to show:

- internal dimensions
- storage areas
- dimensions and area of balconies.

The applicant's Design Statement does contain 'typical apartment layout' drawings for a 1-bed unit and a 2-bed / 3-person unit. These do not appear to adhere to the proposed units. They do not show how the units are universally accessible.

The notes in the Design Statement explaining the age-friendly design do not appear to be of material significance. They are (1) consideration has been had for universal design and the Cluid design handbook (this is not a statement of compliance), and (2), bathrooms have been suitably located for adaptation in approx. 40% of units, being located adjacent to the bathroom – yet the bathrooms in the 'typical apartment layout' drawings do not appear large enough to accommodate either wheelchair access or a second entrance.

The applicant should provide detailed unit layout plans by way of **additional information,** and these should highlight and show that the units are appropriately accessible and show how 'ageing in place' measures such as adaptations of bathrooms can be realised.



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#### Unit Mix

The proposed development does not comply with some general measures provided for in the Apartment Guidelines and the County Development Plan. 2-bed / 3-person units make up 65% of the development, above the 10% maximum provided for in the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020). The lack of 3-bed units is not in keeping with the general policy of providing a minimum of 30% of units under Policy H1 Objective 12.

There is a logic to the apparent over-provision of 2-bed 3-person units in the context of age-friendly accommodation, subject to the development being occupied by the target class of occupant. The proposed development would otherwise not be in compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020).

The under provision of 3-bed units can likewise be understood in the context of housing for older people. Policy H1 Objective 12 allows such where it can be demonstrated that:

1. there are unique site constraints that would prevent such provision; or
2. that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
3. the scheme is a social and / or affordable housing scheme.

It is considered that criteria (2) would be met subject to an appropriate restriction on occupancy.

The applicant should comment in their **additional information** response on the justification of unit mix and a potential restriction on occupancy (this is explored further in this section, under the 'Housing for Older People' heading).

#### Aspect

The applicant's design statement and Planning Report state that 70% of the units are dual aspect. The floor plans show that some units are technically, but not materially, dual aspect. The Planning Authority estimates the development to have approx. 38% dual aspect units. This is an infill site and does have some constraints; nonetheless this is an issue upon which the development can be improved. The applicant should consider this via **additional information**.

#### Housing for Older People

The South Dublin County Development Plan 2022 – 2028 supports the provision of housing for older people, in support of universal and appropriate provision of housing, and as a means to provide opportunities for 'right-sizing', i.e., the making available of family-sized homes to younger families.

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Policy H3 of the Plan provides a few criteria for such housing:

- At locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.
- To actively encourage and directly support the provision of specific purpose built accommodation, including assisted living units and lifetime housing and adaptation of existing properties as a matter of urgency.
- promote 'aging in place' and opportunities for right sizing within communities.
- support and facilitate the implementation of the South Dublin Age Friendly Strategy 2020-2024, the National Age Friendly Programme, and Housing Options for Our Ageing Population 2019 and having regard to Age Friendly Ireland's guidelines for Planning Authorities (2021).

The applicant has indicated that the development would be 'stage 3' housing under the 'Thinking Ahead' (2016) taxonomy of housing and care needs. This indicates housing for the regular market with no on-site services. Such housing is **not** tailored to on-site care and is aimed at allowing older people to downsize without needing to transition to acute care facilities such as nursing homes.

The proposal as presented provides no actual restriction on the class of occupant that can use the development. As noted elsewhere in this report, the proposed unit mix would be contrary to national guidance and the County Development Plan and would only be acceptable to the Planning Authority if occupancy is restricted, to ensure its use for the stated purpose of development. Sections 39 (2) and 47 of the Planning and Development Act provide for agreements for the restriction of use of developments to a certain class of occupant.

The development should be restricted to older persons as primary occupants. The applicant should comment on this as part of their **additional information** response and propose a condition of permission that might effect such a restriction.

### Universal and Accessible Design

The applicant has not shown in their Design Statement or Planning Report, that the development would accord with the 'Building for Everyone' design guidelines produced by the National Disability Authority and referenced in the County Development Plan. It is considered appropriate that the applicant provide a statement of compliance with these guidelines as **additional information**.

### Social Housing / Part V

The Housing Department has stated that its preference is to acquire units on-site and that an agreement condition should be applied in the event of a grant of permission. The report also states that at least 4 no. wheelchair accessible units should be provided.

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### **Quality Design and Healthy Placemaking**

#### Noise

The proposed development is located in very close proximity to the N7, a national road of significant capacity and design speed, and a major route through the county and to/from the city. The development is also located within the approach area to Casement Aerodrome and the Department of Defence has advised of the likely acoustic impact of flight operations in this location. The Dublin Agglomeration Environmental Noise Action Plan 2018 – 2035 (DAENAP) estimates the noise levels at or immediately adjacent to the national road range from 65 dB to >75 dB during daytime.

The site is zoned for residential development and there is ample residential development in situ in Rathcoole village. The land-use zoning objectives therefore support the provision of residential development at this site.

On the other hand, the County Development Plan seeks that national and European noise legislation is applied to reduce the effect of noise pollution on human health. The concrete policy in this regard is as follows:

Policy IE8 reads: “Seek to take appropriate steps to reduce the effects of air, noise and light pollution on environmental quality and residential amenity in line with European, National and Regional policy and legislation.”

Objective 4 seeks the implementation of the ‘relevant spatial planning recommendations and actions’ of the DAENAP. This plan contains an appendix specific to SDCC, which encourages that sites are designed to mitigate or minimise noise impact.

IE8 Objective 7 reads, “To ensure that noise sensitive development in proximity to national and other roads provides a noise impact assessment and includes appropriate mitigation measures, such as noise barriers, set back landscaping and / or buffer zones between areas of land where development is proposed and existing and proposed national and other roads.”

The Noise Impact Statement provided by the applicant measures and provided mitigation solutions for internal noise levels within the development. The statement does not provide solutions for use of balconies or the communal open space. The proposed development lacks mitigation measures such as noise barriers, set back landscaping and / or buffer zones from the national road. Balconies, particularly at higher levels, would be significantly affected by the noise. The northern façade of the proposed development would be closer to the N7 road than any comparable development of 4 storeys in Rathcoole.

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The design could be improved with greater buffering, with use of berms topped by hedgerows and trees; or by orienting the building such that it creates a noise barrier, with balconies and open space located to the south, and an insensitive use such as car parking located to the north, such as in the Eaton Square development to the east; or with the use of 'winter garden' balconies.

The site is constrained due to its size and irregular shape. Expansion into the site to the north and west, or otherwise provision of a smaller development, would facilitate some of the above options for mitigating noise.

The applicant should respond to the above by way of **additional information**.

### Design and Layout

The general layout of the site provides for a car park to the south-west, the building to the east, and communal open space to the west of the northern wing of the building. The layout is considered to be unintuitive in terms of pedestrian access facilities through the car park and could be improved in this manner.

In terms of public open space, the applicant's claims to provide 19% of the site as public open space are untenable, as the areas identified are linear circulation areas in the main, which in any event would neither read as public, nor are proposed to be taken in charge. The site layout does not take cues from adjoining sites, nor provide its own solutions, to reduce noise impact on the open space or balconies, particularly at higher levels. Each of these factors is explored elsewhere in this report.

### Building Height and Scale

The proposed height of 4 storeys is equivalent to that of the adjoining development to the east and can be considered acceptable given that context. The permitted development to the south will be 3 storeys in height. It is considered that, given the details of the permitted development to the south, and the existing heights to the east, the building height and siting would not result in loss of privacy or overbearing impact to those sites.

### Daylight and Sunlight Analysis

The applicant has provided analysis of Average Daylight Factor (ADF) and sunlight access. Some rooms do not meet the appropriate ADF but do receive more than 2 hours of sunlight on March 21<sup>st</sup>. There is some ambiguity as to the appropriate standards to apply in relation to daylight and sunlight.

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The report provided shows that a large proportion of the floor space within the proposed units would not obtain 2 hours of sunlight on 21<sup>st</sup> March. While it is not clear why 2 hours of sunlight has been assessed against rooms – this is a standard generally applied to open spaces – the plans do illustrate a weakness of the design, with many rooms having poor sunlight access for most of their floor space. The appropriate measures to assess the design by in this regard are 'No Sky Line' and 'Target Illuminance'. The applicant should provide a supplementary daylight and sunlight analysis assessing the habitable rooms of the development against these standards (contained in BS 209 and BS EN 17037:2021), as **additional information**.

The supplementary analysis report should also take account of the permitted structures under SD17A/0036, in particular the building due east of the southern wing of the proposed development.

### **Heritage: Archaeology**

A holy well is located on the site. Additionally, all of Rathcoole village is listed as an area of archaeological potential. The applicant has proposed to leave the site of the holy well undisturbed, with soft landscaping located above. This is considered to be appropriate, subject to appropriate conditions for archaeological surveying, recording and reporting, in the event of a grant of permission.

### **Open Space, Green Infrastructure and Natural Heritage**

The Public Realm Department has provided a report with comments on trees & arboricultural impact, ecological impact, SUDs and green infrastructure, and planting proposals. The reports seek additional information in relation to landscape plans, an arboricultural method statement, and a SUDs Management Plan.

#### Trees

The Public Realm report seeks a full suite of arboricultural reports and drawings. It is noted from further consultation that the extensive tree loss on the site (42 trees) is unlikely to have a major biodiversity impact on the site, due to the species of tree present. Additional documentation in relation to tree protection measures should be sought by way of **additional information**.

#### Green Infrastructure

The applicant has provided a Green Space Factor calculation worksheet which shows them hitting the minimum pass score for a 'RES' zoned site of 0.5. This is acceptable.

#### Culvert / diversion of stream

It is noted that a stream running up the west of the site has been culverted and diverted through an underground pipe. This stream is to be uncovered as part of permitted development SD17A/0036. It is council policy to uncover culverts as per Policy GI3 Objective 4 of the County Development Plan, and section 12.4.3.

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The applicant should be requested to revise their landscape and drainage plans in order to uncover this water feature, by way of **additional information**.

### Ecology

The Public Realm Department has assessed the Ecological Impact Assessment Report and accepts its findings, subject to the implementation of mitigation measures as part of the development. The report conclusion itself also mentions mitigation measures, though none are detailed in the body of the report.

It is considered from the report that standard mitigation measures relating to careful removal of trees and other features, to avoid destruction of birds, bats, or their habitats, should be undertaken during the construction stage.

### Provision of Public Open Space

The applicant has stated that they are providing 19% of the site area as public open space. The Landscape Design Report shows this to consist of the pedestrian path and surrounding verges / spaces between the western and eastern pedestrian accesses, and around the southern wing of the proposed building. This is linear incidental space and does not fit the qualitative requirements of public open space under the County Development Plan.

Under Policy COS5, the applicant is required to provide:

- 10% of the site area as public open space,
- 2.4 Ha. per 1,000 of population, or otherwise provide for the acquisition or improvement of nearby public open space as agreed with the Public Realm Department (for a population of 87 people, this equates to 0.2088 Ha.) or a development contribution in-lieu;

In the absence of an enabling Development Contribution Scheme, the planning authority is not currently seeking development contributions in lieu of public open space where its requirement under Policy COS5 exceeds 10% of the site area. However, the minimum requirement of 10% of the site area for public open space remains and this is supplemental to the requirements for communal open space.

The applicant is requested to show by way of **additional information**, how they intend to provide 10% of the site area for public open space to the qualitative standard set out in the CDP.

### **Sustainable Movement**

The Roads Department has sought additional information in relation to:

- car parking provision (seeks more);
- Undertake a Traffic and Transport Assessment;
- Stage 1 Road Safety Audit;

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- Provide a dedicated 2m footpath along the eastern side of Tay Lane between the site and Main Street.

### Traffic Impact

The Roads Department report states this with regard to traffic impact:

“...this area has congested traffic issue owing to a single main street and limited access to the surrounding roads network. The addition of 58no. apartments to this area would significantly impact the surrounding roads network. A traffic analysis has been conducted and contends that the development will have a very little impact on the peak flows of the main street. These figures are assumed based on the width of the main street and the road type. The roads department would contend that the peak traffic flows on the Rathcoole main Street are not reflective within this report. Therefore, the applicant should substantiate the traffic flows by conducting a survey of the traffic at the surrounding roads network.”

The County Development Plan commits the Planning Authority to carrying out a Traffic Study of Rathcoole over the lifetime of the Plan. This has not yet occurred. Both third party observations have raised the issue of traffic in Rathcoole. The Roads Department commentary accords with that of Rathcoole Community Council in questioning the rationale of the applicant that the location of the development would encourage use of bus and luas transport modes.

The Roads Department recommendation is accepted, and it is appropriate that the development subjected to a traffic and transport assessment.

### Car Parking

The Roads Department has sought an increase of car parking provision from 30 to 37 units. This would represent a car parking ratio of 0.65 spaces per unit and would still be on the lower end given the accessibility of Rathcoole village.

As noted elsewhere in this report, the car parking area already takes up a notable proportion of the site as it is all provided at surface level. Rather than increasing car parking provision, the applicant should consider a **reduction in units**.

### Pedestrian Facilities

The pedestrian access to the site from Tay Lane is located north of the car park. It is considered likely that pedestrians would simply walk through the car park. The car park should be reconfigured to make some provision along the south of the site for pedestrians, whether it is demarcated and raised footpath through the car park, or a footpath south of the parked cars. The applicant should respond to this by way of **additional information**.

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### Pedestrian Permeability

The applicant proposes to provide east-west permeability through the site with a pedestrian access onto Eaton Green. This is encouraged and would contribute generally to a permeable village centre with good pedestrian links. The proposed pedestrian access to the east would open onto an area which may be in private ownership and has not been taken in charge (though the street has been). The applicant should be encouraged to liaise with the Management Company or owner of the Eaton Development and report back via **additional information**.

### **Drainage**

#### Irish Water

The Irish Water report states no objection subject to standard conditions. The applicant's own correspondence with Irish Water shows that a foul sewer connection on the site will be facilitated in Q1 2026 at the earliest. This is acceptable subject to a condition that services must be connected prior to occupation.

#### Water Services

The SDCC Water Services report seeks additional information on the following basis:

“1.1 Soakaways are not allowed for apartments because soakaways must be individually owned and not shared. Remove proposed soakaway.

1.2 In exceptional circumstances underground attenuation systems are permitted but only if there is insufficient attenuation provided by SuDS (Sustainable Drainage Systems)

1.3 The applicant is to submit a drawing and report showing a flow route analysis of existing site. The development of the surface water flow routes throughout the site should correlate as closely as possible to the natural flow of surface water on site.

1.4 Submit a drawings showing all SuDS systems in plan and cross sectional view. Show the treatment train and conveyance of surface water above ground over the site. Show the capacity in m<sup>3</sup> of proposed SuDS systems.



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**1.1** The use of concrete attenuation tanks is heavily discouraged by SDCC Drainage section. The applicant is required to submit a drawing and report providing alternative means of attenuating surface water through the use of Sustainable Urban Drainage Systems features. SuDs features could include but are not limited to:

- Green Roofs
- Blue Roofs
- Swale
- Treepits
- Grasscrete
- Raingardens Biodiversity areas
- Detention basins
- Green areas
- Other such SuDS

**1.2** The applicant is required to submit a drawing and report which give greater detail regarding the attenuation capacity provided on site. Details required will include the proposed attenuation capacity provided by drainage features given in units of m<sup>3</sup>.”

Point 1.1 of the report can be disregarded as the development will be under the control of an Owner's Management Company or another appropriate body (Cluid Housing is proposed). Otherwise, the issues raised in the report can be put to the applicant as part of the request for **additional information**.

### Culvert / diversion of stream

In addition to the above, the stream on-site should be uncovered and integrated into the Landscape Plans, and this should be reflected in revised drainage plans as well.

### **Aviation**

The Department of Defence has suggested conditions in relation to crane operations and control of birds. These are considered appropriate. The department's submission also notes the likely acoustic impact of flight operations at Casement Aerodrome. The applicant should supplement their Noise Impact Assessment and resulting recommendations to take account of noise arising from aviation. This can be considered under **additional information**.

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### **Public Lighting**

The SDCC Public Lighting Department has recommended that additional public lighting is required in Tay Lane to ensure safety for pedestrians. The report states:

“The existing public lighting provision on St. Brigids-Tay Lane is insufficient and has been subject to many resident complaints in recent years, particularly by the Women's Refuge where there are often security concerns. The narrow footpaths and presence of ESB columns hosting distribution lines have limited the scope for improvement to the Public Lighting. The existing Public Lighting on St. Brigid's- Tay Lane would be insufficient to provide adequate light to the increased pedestrian and vehicular traffic under the proposed development. Undergrounding of 2 spans of the ESBN overhead distribution lines and the provision of a fully underground Public Lighting installation should be considered under this proposed development.”

The applicant should respond to the above by way of **additional information**.

### **Taking in Charge**

The applicant should clarify as to whether it is proposed to have any of the site taken in charge. They can do so by way of **additional information**.

### **Screening for Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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.

### **Screening for Appropriate Assessment**

Having regard to:

- Nature and scale of the works;
- Location of the works within a modified landscape and relative to any designated site;
- Lack of any hydrological connectivity to any aquatic receptors that link to a 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.

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### **Conclusion**

The proposed development accords with the 'RES' land-use zoning objective and other objectives relating to housing for older people. There are a number of issues with the proposed design, including but not limited to potential overdevelopment, noise, and impacts on traffic. The applicant should be requested to provide additional information.

**Recommendation:** Request further information

### **Further Information**

Further Information was requested on 17/10/22.

Further Information was received on 20/12/22.

### **Consultations**

#### **Internal**

Roads	<b>Clarification of Additional Information</b> recommended.
Public Realm	No objection, <b>conditions</b> recommended.
Water Services	<b>Clarification of Additional Information</b> recommended.
Public Lighting	No objection, <b>conditions</b> recommended.

### **Submissions/Observations**

1 further submission/observation was received, including the following points:

- no additional large multi residential units should be permitted that will increase the peak traffic congestion on Rathcoole Main Street until such time as the recently promised transport and traffic study of our area is completed and a plan of action developed
- concerns regard impact of high aviation noise on elderly residents
- design and scale of the development should be revisited to reduce it to a two storey structure with additional trees at Northern edge added to improve noise mitigation
- master plan for the overall Mercer School/Glebe site

### **Further Information**

The Further Information requested was as follows:

1. *Occupancy Restriction and Unit Mix.*

*(a) The proposal as presented provides no restriction on the class of occupant that can use the development. As noted elsewhere in the Planner's Report, the proposed unit mix ( 65% 2-bed, m 3-person units and no 3-bed units) would be contrary to national guidance and the County Development Plan, and would only be acceptable to the Planning Authority if occupancy were restricted, to ensure its use for the stated purpose of development. Sections 39 (2) and 47 of the Planning and Development Act 2000 as amended, provide for agreements for the restriction of use of developments to a certain class of occupant. The development*

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*should be restricted to older persons as primary occupants. The applicant is invited to propose the wording of a condition of permission that might effect such a restriction, in order to support the provision of housing for older people.*

*(b) The applicant may otherwise provide a rationale for the proposed unit mix in the context of council policy to achieve more than 30% of 3-bed units and national guidance to provide no more than 10% 2-bed / 3-person units.*

### **2. Unit Floor Plans.**

*The applicant's Design Statement does contain 'typical apartment layout' drawings for a 1-bed unit and a 2-bed / 3-person unit. These do not appear to adhere to the proposed units, nor do they do not show how the units are universally accessible, or how layouts could be revised as part of 'ageing in place' adaptations. The applicant should provide detailed unit layout plans by way of additional information, and these should highlight and show that the units are appropriately accessible and show how 'ageing in place' measures such as adaptations of bathrooms can be realised.*

### **3. Overdevelopment.**

*The applicant is requested to reduce the overall provision of units in the development in order to achieve a car parking ratio of 0.65 spaces per unit, without increasing car parking levels above that proposed.*

### **4. Noise.**

*(a) The Noise Impact Statement provided by the applicant measures and provides mitigation solutions for internal noise levels within the development. The statement does not provide solutions for use of balconies or the communal open space. The proposed development lacks mitigation measures such as noise barriers, set back landscaping and / or buffer zones from the national road. Balconies, particularly at higher levels, would be significantly affected by the noise. The northern façade of the proposed development would be closer to the N7 road than any comparable development of 4 storeys in Rathcoole. The design could be improved with greater buffering, with use of berms topped by hedgerows and trees; or by orienting the building such that it creates a noise barrier, with balconies and open space located to the south, and an insensitive use such as car parking located to the north., such as in the Eaton Square development to the east; or with the use of 'winter garden' balconies. The site is constrained due to its size and irregular shape. Expansion into the site to the north and west, or otherwise provision of a smaller development, would facilitate some of the above options for mitigating noise.*

*The applicant should respond to the above by way of additional information, and in particular show how the scheme would comply with Policy IE8 Objectives 4 and 7.*

*(b) The applicant should supplement their Noise Impact Assessment and resulting recommendations to take account of noise arising from aviation.*

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5. *Roads.*

*The applicant is requested to submit:*

- (a) a Traffic and Transport assessment of the nearby junctions, to confirm that the development will have no impact on the traffic flows on the Rathcoole main street.*
- (b) a stage 1 road safety audit, with particular focus on the pedestrian access to the west and east of the development.*
- (c) a revised layout of not less than 1:200 scale, showing a dedicated 2.0m wide footpath on the east side of Tay Lane from the Rathcoole main street to the access of the proposed development.*

6. *Aspect.*

*The proposed development is considered by the Planning Authority to contain 22 no. double aspect units (Unit Nos. 3, 4, 10, 11, 14, 17, 18, 24, 25, 28, 31, 32, 35, 39, 40, 43, 54, 55, and 58), amounting to 38% of the proposed units. The applicant is requested to consider improving the design and layout in this respect to provide a higher proportion of double aspect units.*

7. *Universal and Accessible Design.*

*The applicant has not shown in their Design Statement or Planning Report, that the development would accord with the 'Building for Everyone' design guidelines produced by the National Disability Authority and referenced in the County Development Plan. It is considered appropriate that the applicant provide a statement of compliance with these guidelines as additional information.*

8. *Daylight and Sunlight.*

- (a) The report provided shows that a large proportion of the floor space within the proposed units would not obtain 2 hours of sunlight on 21st March. While it is not clear why 2 hours of sunlight has been assessed against rooms – this is a standard generally applied to open spaces – the plans do illustrate a weakness of the design, with many rooms having poor sunlight access for most of their floor space. The appropriate measures to assess the design by in this regard are 'No Sky Line' and 'Target Illuminance'. The applicant should provide a supplementary daylight and sunlight analysis assessing the habitable rooms of the development against these standards (contained in BS 209 and BS EN 17037:2021), as additional information.*
- (b) The supplementary analysis report should also take account of the permitted structures under SD17A/0036, in particular the building due east of the southern wing of the proposed development.*

9. *Watercourse.*

*It is noted that a stream running up the west of the site has been culverted and diverted through an underground pipe. This stream is to be uncovered as part of permitted development SD17A/0036. It is council policy to uncover culverts as per Policy GI3 Objective 4 of the County Development Plan, and section 12.4.3. The applicant is*

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*requested to revise their landscape and drainage plans in order to uncover this watercourse and integrate it into the landscape proposals.*

### **10. Public Open Space.**

*The proposed public open space consists of the pedestrian path and surrounding verges / spaces between the western and eastern pedestrian accesses, and around the southern wing of the proposed building. This is linear incidental space and does not fit the qualitative requirements of public open space under the County Development Plan. The applicant is requested to provide additional information specifying how 10% of the site area will be provided as Public Open Space to the qualitative standards set out in the CDP and on top of the requirements for Communal Open Space.*

### **11. Pedestrian Facilities.**

*(a) The pedestrian access to the site from Tay Lane is located north of the car park. It is considered likely that pedestrians would simply walk through the car park. The car park should be reconfigured to make some provision along the south of the site for pedestrians, whether it is demarcated and raised footpath through the car park, or a footpath south of the parked cars.*

*(b) The proposed east-west permeability through the site with a pedestrian access onto Eaton Green is encouraged and would contribute generally to a permeable village centre with good pedestrian links. The proposed pedestrian access to the east would open onto an area which may be in private ownership, and has not been taken in charge (though the street itself has been). The applicant should be encouraged to liaise with the Management Company or owner of the Eaton Development and report on progress towards consent for the opening at this location.*

### **12. Surface Water.**

*The applicant is requested to submit:*

*(a) a drawing and report showing a flow route analysis of existing site. The development of the surface water flow routes throughout the site should correlate as closely as possible to the natural flow of surface water on site.*

*(b) a drawing showing all SuDS systems in plan and cross sectional view. Show the treatment train and conveyance of surface water above ground over the site. Show the capacity in m<sup>3</sup> of proposed SuDS systems. In exceptional circumstances underground attenuation systems are permitted but only if there is insufficient attenuation provided by SuDS (Sustainable Drainage Systems)*

*(c) 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 should also be included as a demonstration of how the system will function following implementation.*

*(d) a drawing and report which give greater detail regarding the attenuation capacity provided on site. Details required will include the proposed attenuation capacity provided by drainage features given in units of m<sup>3</sup>.*

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### *13. Public Lighting and Undergrounding of Services.*

*The SDCC Public Lighting Department has recommended that additional public lighting is required in Tay Lane to ensure safety for pedestrians. The report states:*

*The existing public lighting provision on St. Brigids-Tay Lane is insufficient and has been subject to many resident complaints in recent years, particularly by the Women's Refuge where there are often security concerns.. The narrow footpaths and presence of ESB columns hosting distribution lines have limited the scope for improvement to the Public Lighting. The existing Public Lighting on St.Brigid's-Tay Lane would be insufficient to provide adequate light to the increased pedestrian and vehicular traffic under the proposed development. Undergrounding of 2 spans of the ESBN overhead distribution lines and the provision of a fully underground Public Lighting installation should be considered under this proposed development.'*

*The applicant should respond to the above by way of additional information.*

### *14. Taking in Charge.*

*The applicant should clarify as to whether it is proposed to have any of the site taken in charge.*

### *15. Public Realm - Landscape Plan.*

*There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:*

- i. The applicant is requested to submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
- ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- iii. The landscape Plan should include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.*
- iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site*
- v. Demonstrate how natural SUDs features can be incorporated into the design of the proposed Development*
- vi. Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development*

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*on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*

### **16. Public Realm - Arboricultural Impact.**

- i. The applicant is requested to submit a comprehensive Tree Report to the SDCC Public Realm Section. This shall comprise of detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by an independent, qualified Arborist.*
- ii. Survey of Existing Trees and Hedgerows - No equipment, machinery or materials are brought to the site for the purposes of the development, until a written statement detailing the retention and protection of trees on the site has been submitted to and approved in writing by the local planning authority. The submitted statement shall include a survey and assessment of all trees on the site and shall identify on a scaled drawing those trees to be retained and where arboricultural work is proposed. It shall also detail the measures and means of protecting the trees on the site in accordance with British Standards 5837:2005 (Trees in Relation to Construction). The development shall be carried out fully in accordance with the agreed details unless otherwise first agreed in writing with the local planning authority. If within five years from the completion of the development a tree which is agreed to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the Public Realm Section.*
- iii. Retention of Identified Trees / Hedges - The trees and hedges identified for retention shall be protected during the course of the development. The trees shall be protected by the erection of temporary fencing in accordance with British Standard 5837:2005 (Trees in Relation to Construction), and the hedges shall be protected by a chestnut paling fence or similar fence to a height of not less than 1.8m and no closer than 1.5m from the hedge unless otherwise agreed in writing. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the Public Realm Section.*



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- iv. *Tree Protection: Drainage and Service Runs - No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention nor within any fenced protection zone unless otherwise agreed in writing by the local planning authority.*

### **Assessment of Further information**

#### *Item 1 – Occupancy Restriction and Unit Mix*

The applicant has stated that the development is intended for operation and management by Clann Housing, the dedicated age-friendly housing service of Clúid. The applicant further states that units will be allocated to households on the local authorities housing list, ensuring units are allocated to those most in need. The applicant has provided the wording for an appropriate **condition** to restrict the age of future occupants as follows:

*The permitted development shall be operated only as an age friendly housing scheme. no separate sales or equivalent disposal of any individual residential units shall take place. The residential development shall be owned and operated by a single institutional entity except where otherwise agreed in writing by the Local Authority.'*

The wording of this **condition** is considered appropriate however, should specifically state that age friendly housing is intended for habitancy by people aged 55 and over, save for certain circumstances determined by the Local Authority.

As the applicant agrees to the inclusion of a condition limiting the occupancy of the development, it is agreed that a justification for the unit mix is not required. The Planning Authority accepts that the unit mix can be justified on the basis of the likely requirements of the future occupants, and that these units would not be required for larger family units or mixed occupancy.

#### *Item 2 – Unit Floor Plans*

The applicant has provided the floor plans within the Design Statement Addendum however, it is not considered that these address all the concerns raised as part of the additional information request, showing only the universal accessibility of the bathrooms. On the basis of other concerns raised as part of the current assessment, the applicant should submit detailed floor plans for any units that are amended to be fully accessible, taking into account adequate storage for mobility apparatus, and dual access bathrooms. This can be addressed as **clarification of additional information**.

#### *Item 3 – Overdevelopment*

The additional information request required the applicant to amend the scheme, reducing the number of apartment units but not altering the car parking allocation, to deliver a parking ratio of 0.65 spaces per unit.

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The applicant has reduced the number of units by 4 apartments, resulting in a car parking ratio of 0.56 spaces per unit. The applicant justifies this car parking ratio on the basis of the targeted occupier profile, namely older couples and single persons of retirement age. The applicant states the car parking ratio has been reached based on the car parking demand for comparable age-friendly housing schemes, including the existing Broom Lodge facility in Cabra with a car parking ratio of 0.46 spaces per unit. The applicant also states that, to achieve a parking ratio of 0.65, the development would have to be reduced to 48 no. units, impacting the schemes viability. The current revised scheme provides for 54 no. units, so an additional 6 no. units would need to be removed to achieve the recommended parking ratio.

The Planning Authority welcomes the reduction in the number of units while maintaining the number of car parking spaces. This reduction addresses concerns in relation to car parking under-provision and overdevelopment of the site. In relation to the comparison to a similar development in Cabra, that location is considered far more proximate to the increased amenities of Dublin city centre and associated public transport and the justification is weak. Although the specific comparator cited is weak, the proposed amendments are considered sufficient to address the Planning Authority's concerns and this matter is considered resolved.

### *Item 4 – Noise*

The applicant has amended the scheme to mitigate the impact of noise from the N7 on units. All windows on the northern elevation have been removed however, for the benefit of ventilation, it is considered appropriate to require windows to be included for bathrooms on the north elevation. It is considered acceptable and appropriate to have removed windows and balconies serving habitable rooms along this elevation.

In addition to the above, glass screens have been introduced to corners facing the N7 to provide a sound barrier and landscaping has been upgrading to mitigate sound, including increasing the boundary fencing and retaining the existing trees along the northern boundary. In particular, the retention of the existing trees is considered a significant benefit for both noise mitigation, and the ecology and biodiversity of the site. The size of the building by 3.5m and setback 0.5m from the previous location, increasing the buffer between the building and the road. These interventions are considered acceptable.

With regard to the impact of aviation noise on the development, the Planning Authority accept that it is not a specific requirement of the Development Plan, however it may still be appropriate to request such assessments based on the sensitivities of the scheme. It is noted that the Department of Defence raised concerns regarding the potential noise impact from aviation on proposed residential units. The EHO as expert in the consideration of noise issues has not raised similar concerns and the location of this development alongside existing residential developments is noted. As such this issue is considered resolved.

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### *Item 5 – Roads*

The Roads Department have reviewed the submitted Traffic and Transport Assessment, noting the traffic analysis provided for the junction with Tay Lane and Rathcoole Main Street. The Roads Department note that analysis for other arms of the junction has not been provided and should be requested as **clarification of additional information**.

The applicant has submitted a Stage 1 Road Safety Audit, with recommendations incorporated into the revised scheme submitted. In relation to visibility at the access on Eaton Drive, the Roads Department have concerns regarding the high boundary walls at this access and recommend these are reduced to no more than 900mm by **clarification of additional information**.

In relation to the provision of a 2m wide footpath along Tay Lane, the applicant has asserted this is not possible on the western side, as requested, if the carriageway width is to be maintained for vehicular traffic. The Roads Department accepts this response however requires that the existing 1.2m wide footpath on the eastern side of Tay Lane should be improved to 2m. This should be resolved by way of **clarification of additional information** in consultation with the Roads Department.

### *Item 6 – Aspect*

The applicant has provided greater detail in the Addendum Design Report relating to aspect. It is noted that, on foot of the alterations required to mitigate noise and reduce the number of units provided, aspect for some units has improved. The Planning Authority is therefore satisfied with the applicants assertion that 51.9% of units are dual aspect and this is considered acceptable.

### *Item 7 – Universal an Accessible Design*

The applicant has amended the scheme to provide universal design compliant bathrooms for all units.

The applicant has provided an Age Friendly Homes Report which states the development would achieve a high score for age friendly homes based on the ratings checklist within the Age Friendly Ireland Document. It is noted that no internal storage spaces for mobility aids, and equipment is provided, and bathrooms are not provided adjacent and connecting to bedrooms. The Planning Authority would also have a concern about access to some units, being a significant distance and through several doors and corners from the elevators. The applicant should be requested to submit revised proposals ensuring some units are designed to be completely universally accessible, providing direct access to bathrooms from bedrooms, and ensuring adequate storage is provided for any necessary mobility equipment. In making these alterations, the applicant may look for opportunities to further reduce the number of units provided, assisting in minimising concerns of the Planning Authority in relation to

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overdevelopment at the site. This should be addressed by way of **clarification of additional information**.

#### *Item 8 – Daylight and Sunlight*

7 no. units (13%) would not pass the room illuminance threshold levels, defined in BS209. 4 of these units would be on the ground floor, 2 on the first floor and one on the second floor. While this is not desirable, given the use of the site, its constrained nature and the areas where illuminance is not achieved, mainly circulation spaces, the shortfall in all units meeting the target values can be justified. However, on the basis of other items for which clarification is sought, the applicant might consider reviewing units, particularly at ground floor level, with a view to improving the room illuminance where possible.

The daylight assessment provided also confirms minimal impacts would be experienced on surrounding buildings as a result of the development, and general compliance with the standards can be met in the event the southern lands are redeveloped. This is considered acceptable.

#### *Item 9 – Watercourse*

The applicant has revised their proposals to uncover and reinstate the original watercourse along the western boundary of the site. This is considered acceptable and in compliance with Policy GI3 Objective 4 of the Development Plan.

Water Services have reviewed the application and have not raised any concerns in relation to the uncovering of this watercourse. The Public Realm Section are satisfied with the removal of the existing culvert.

#### *Item 10 – Public Open Space*

The Public Realm Section have reviewed the submission in relation to public open space. Their report states that, in principle, the additional information submitted is acceptable, as per the submitted landscape design statement and design statement addendum and shown on landscape plan (drawing No. 21149\_LP). A **condition** is recommended to guarantee the implementation of the open space as designed, and this is considered appropriate.

#### *Item 11 – Pedestrian Facilities*

The applicant has amended the site layout to provide enhanced pedestrian facilities at the south of the site, where the entrance from Tay lane is proposed. In addition, a clear route is demonstrated through the car park area. It is considered that this enhances the safety of pedestrian routes through the site and is considered acceptable. The Roads Department have reviewed the submission and have requested **clarification** is sought to confirm that all internal pedestrian routes are a minimum of 2m in width. This is considered appropriate given the demographic of potential future residents.

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The applicant has provided a letter of consent from SDCC relating to the pedestrian access onto Eaton Drive. This confirms the permission of SDCC to include externally owned lands as part of the application. This is considered acceptable as the works, in principle, could be undertaken. A **condition** should be included in the event of a grant requiring this entrance to be provided in consultation with the Planning Authority to ensure the integration of the access and any additional pedestrian facilities and landscaping required outside the applicant's ownership to facilitate these works.

### *Item 12 – Surface Water*

A SUDS Management Plan has submitted by the applicant. The Report details how the system will function following implementation along with a planned maintenance measures required to ensure adequate functioning of the system in service. The Public Realm Section have stated that the submitted Additional Information is in principle acceptable and shall be implemented in full by the applicant.

Water Services have reviewed the submission and have raised concerns regarding the provision of concrete underground attenuation systems and a lack of provision for more natural SuDS measures. Their report recommends the following **clarification of additional information** is sought:

- 1.1 Soakaways are not allowed for apartments because soakaways must be individually owned and not shared. Remove proposed soakaway.*
- 1.2 In exceptional circumstances underground attenuation systems are permitted but only if there is insufficient attenuation provided by SuDS (Sustainable Drainage Systems)*
- 1.3 The applicant is to submit a drawing and report showing a flow route analysis of existing site. The development of the surface water flow routes throughout the site should correlate as closely as possible to the natural flow of surface water on site.*
- 1.4 Submit a drawings showing all SuDS systems in plan and cross sectional view. Show the treatment train and conveyance of surface water above ground over the site. Show the capacity in m<sup>3</sup> of proposed SuDS systems.*
- 1.5 The use of concrete attenuation tanks is heavily discouraged by SDCC Drainage section. The applicant is required to submit a drawing and report providing alternative means of attenuating surface water through the use of Sustainable Urban Drainage Systems features. SuDs features could include but are not limited to:*
  - *Green Roofs*
  - *Blue Roofs*
  - *Swale*
  - *Treepits*
  - *Grasscrete*
  - *Raingardens Biodiversity areas*
  - *Detention basins*

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- *Green areas*
- *Other such SuDS*

*1.6 The applicant is required to submit a drawing and report which give greater detail regarding the attenuation capacity provided on site. Details required will include the proposed attenuation capacity provided by drainage features given in units of m<sup>3</sup>.*

*If 129m<sup>3</sup> surface water attenuation is provided, then the attenuation provided is undersized by approximately 300%. Any report and drawings submitted should show where and how much (in m<sup>3</sup>) surface water attenuation is provided on site.*

*Prior to submission of revised drawings and reports contact water services in South Dublin County Council to discuss same.*

To ensure that surface water and attenuation have been adequately considered and provided for at the site, the recommended **clarification of additional information** should be sought. The applicant should note that a soakaway may be considered acceptable in the circumstance where no lands are to be taken in charge, and on the basis that the apartment building and associated landscaping will be owned, retained and managed by a single entity.

### *Item 13 – Public Lighting and Undergrounding Services*

The Public Lighting section have reviewed the submission and have stated no objection to the proposal, recommending the following **condition** in the event of a grant of permission:

*A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall have lodged with the Planning Authority:*

- A Public Lighting Scheme including all electrical design, for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to the current editions of both the European Lighting Standard ISEN13201 and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: along with:*
- Written confirmation from the Council's Public Lighting Section that the scheme is fully in compliance with the above standards applicable, and*
- A written commitment to implement the agreed Public Lighting Scheme in full, and maintain it to taking in charge standards in perpetuity or until taken in charge by the Council,*
- All the above requirements have been acknowledged in writing as acceptable by the Planning Authority.*

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*The public lighting scheme shall be contained exclusively within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company.*

*Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.*

*The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from residential properties, public roads and any bat roosts or areas with bat activity. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Public Realm section in this regard.*

*In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development.*

*The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the required plan to them for agreement.*

This **condition** is considered appropriate.

### *Item 14 – Taking Charge*

The applicant has confirmed that no lands within the red line boundary will be taken in charge by SDCC. This may change as a result of a request for **clarification of additional information**. To ensure the Planning Authority is clear as to any areas for taking in charge, in the event of a grant of permission, a **condition** should be attached requiring, if relevant, the applicant to submit a taking in charge plan based on a permitted scheme.

### *Item 15 – Public Realm – Landscape Plan*

The applicant has submitted a landscape design rationale and other supporting plans, providing greater detail in relation to landscape proposals for the development. The Public Realm Section have reviewed this submission and are satisfied with the plans, recommending a condition that these shall be implemented in full in the event of a grant. This is considered appropriate.

### *Item 16 – Public Realm – Arboricultural Impact*

The applicant has complied with this item of the additional information request. On review, the Public Realm Section have stated that the submission is acceptable in principle and shall be implemented in full in the event of a grant.

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### **Other Considerations**

A response to the initial application was received from the Department of housing, Heritage and Local Government after the initial additional information request was issued. This report noted the impact on the Holy Well monument within the site and consequently recommended the following conditions in the event of a grant:

- 1. A Conservation Management Plan for the recorded monument - RMP No. DU021-030004- Ritual site - holy well - shall be prepared, following consultation with the National Monuments Service, and submitted to the planning authority for their written agreement prior to commencement of development. The plan shall provide for the long-term maintenance and management of the recorded monument – RMP No. DU021-030004- Ritual site - holy well - to ensure that preservation in situ of the site can be achieved and maintained.*
- 2. The plan shall be agreed in advance of the commencement of construction works to ensure that the management and coordination of all phases of construction works are consistent with the policies and procedures for the long-term protection and preservation of the recorded monument RMP No. DU021-030004- Ritual site - holy well.*
- 3. The plan shall incorporate a landscaping plan and/or stabilisation works programme, as appropriate, for the recorded monument RMP No. DU021-030004- Ritual site - holy well- that is sympathetic to the monument and incorporates appropriate surface expression of the subsurface remains of the recorded monument RMP No. DU021-030004- Ritual site - holy well which shall be excluded from the land areas designated 'amenity' or 'green' space within the development. The plan shall incorporate appropriate exclusion zones and site stabilisation mitigation measures to ensure that the recorded monument RMP No. DU021-030004- Ritual site - holy well shall remain secure and preserved in-situ and following consultation with NMS.*
- 4. Interpretative signage shall be installed at agreed locations. The design and content of this signage shall be prepared in consultation with the National Monuments Service and should be approved by the planning authority. The final Conservation Management Plan, including details of implementation, shall be submitted to the planning authority and the National Monuments Service.*
- 5. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/ site clearance/dredging/underwater works and/or construction works.*



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6. *The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required.*
7. *Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.*
8. *The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in in the Conservation Management Plan and the Archaeological Impact Assessment specify, following consultation with NMS. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.*

These **conditions** are noted and should be included in the event of a grant, on receipt of satisfactory **clarification of additional information**.

### **Conclusion**

It is considered that there are still outstanding items that require greater consideration before a final conclusion can be reached concerning the proposed development. On this basis, the applicant should be requested to submit **clarification of additional information**.

### **Recommendation**

Request Clarification of Further Information.

### **Further Information**

Further Information was requested on 17/10/22.

Further Information was received on 20/12/22.

Clarification of Further Information was requested on 25/01/23

Clarification of Further Information was received on 29/03/23

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### Consultations

Roads	No objection, <b>conditions</b> recommended.
Public Realm	No objection, <b>conditions</b> recommended.
Water Services	<b>Refusal</b> recommended.

### Submissions/Observations

No further submissions/observations received.

### Assessment of Further Information

The Clarification of Further Information requested was as follows:

1. *Traffic and Transport Assessment*

*The applicant is requested to submit a Traffic and Transport assessment of the nearby junctions, to confirm that the development will have no impact on the traffic flows on the Rathcoole Main Street, showing the RFC results of all arms of the junction.*

2. *Pedestrian Entrance Boundary Details*

*The applicant shall submit a revised layout of not less than 1:200 scale, showing boundary walls at pedestrian access point on Eaton Drive limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles and pedestrians.*

3. *Internal Pedestrian Layouts*

*The applicant is requested to submit a revised layout not less than 1:200 scale showing pedestrian routes within the development.*

*(d) The minimum width of footpaths shall be 2.0m wide to aid mobility impaired users.*

*(e) All external bicycle parking spaces shall be covered.*

*(f) Footpath layout shall provide adequate connectivity around the development and to footpaths on the main road.*

4. *Tay Lane Footpath*

*The applicant is requested to submit a revised layout not less than 1:200 scale showing an improved footpath along the entire east side of Tay Lane connecting to Rathcoole Main Street, the footpath must be 2.0m wide.*

5. *Universal Accessibility*

*It is not considered that the applicant has designed a scheme that could be considered universally accessible to the greatest extent possible. The applicant asserts that the development could be used to house people on the Local Authority housing list who have mobility issues, however the floor plans provided do not appear to provide accommodation of any significant benefit in terms of accessibility, when compared with a standard apartment unit. On this basis, the applicant is requested to revise the layouts for a number of ground floor units to maximise their potential as totally universally accessible units, including dual access and/or en-suite bathrooms, and suitable storage for wheelchairs and other such necessary mobility equipment.*

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6. *Surface Water and SuDS*

*The applicant is requested to submit revised information based on the following:*

- A. *The applicant states a soakaway would be provided, noting a Wavin Aquacell attenuation area to the south of the site. It is not clear therefore that this is a soakaway. Soakaways are not generally permitted for apartments because soakaways must be individually owned and not shared – the applicant is requested to clarify what is meant by soakaway at this location and satisfy themselves that the proposal is in accordance with the SDCC SuDS Guidance Document*
- B. *In exceptional circumstances underground attenuation systems are permitted but only if there is insufficient attenuation provided by SuDS (Sustainable Drainage Systems). The applicant is required to seek alternative attenuation solutions or provide a robust rationale for the provision of concrete underground attenuation at the site.*
- C. *The applicant is to submit a drawing and report showing a flow route analysis of existing site. The development of the surface water flow routes throughout the site should correlate as closely as possible to the natural flow of surface water on site.*
- D. *Submit a drawings showing all SuDS systems in plan and cross sectional view. Show the treatment train and conveyance of surface water above ground over the site. Show the capacity in m<sup>3</sup> of proposed SuDS systems.*
- E. *The use of concrete attenuation tanks is heavily discouraged by SDCC Drainage section. The applicant is required to submit a drawing and report providing alternative means of attenuating surface water through the use of Sustainable Urban Drainage Systems features. SuDs features could include but are not limited to:*
  - a. *Green Roofs*
  - b. *Blue Roofs*
  - c. *Swale*
  - d. *Treepits*
  - e. *Grasscrete*
  - f. *Raingardens Biodiversity areas*
  - g. *Detention basins*
  - h. *Green areas*
  - i. *Other such SuDS*
- F. *The applicant is required to submit a drawing and report which give greater detail regarding the attenuation capacity provided on site. Details required will include the proposed attenuation capacity provided by drainage features given in units of m<sup>3</sup>. If 129m<sup>3</sup> surface water attenuation is provided then the attenuation provided is undersized by approximately 300%. Any report and drawings submitted should show where and how much (in m<sup>3</sup>) surface water attenuation is provided on site.*

*Prior to submission of revised drawings and reports contact water services in South Dublin County Council to discuss same.*

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### Assessment

#### *Item 1 – Traffic and Transport Assessment*

The Traffic and Transport Assessment has been reviewed by the Roads Department. They conclude that the addition of the predicted generated traffic will have little effect on the junctions modelled. The Roads Department has not stated any issue with this response.

#### *Item 2 – Pedestrian Entrance Boundary Details*

The applicant has lowered the pillars and boundary walls at the pedestrian access to 1m. The Roads Department have reviewed the submission have stated that the boundary fence should be 0.9m however, they have stated no objection to the revised proposals.

#### *Item 3 – Internal Pedestrian Layouts*

The applicant has amended the site layout to provide for 2m wide footpaths and covered bicycle parking. The Roads Department have reviewed the submission have stated they are satisfied with the applicant's response.

#### *Item 4 – Tay Lane Footpath*

A meeting was held with the applicant and the SDCC Roads Department in February 2023 to discuss the requirements of providing an improved footpath along Tay Lane. The applicants have stated in their cover letter that was agreed to carry out the following works:

- *The existing culvert to the east of Tay Lane was to be opened as requested by the drainage department of South Dublin County Council.*
- *The existing footpath to the west of Tay Lane was to be widened to a minimum dimension of 1800mm.*
- *A provision for a 2.0m wide footpath within the site boundary of the proposed development is to be constructed to the east of the opened culvert. This would extent from the northern to the southern boundary.*

The Roads Department have reviewed the submission and have stated they are satisfied with the response. They recommend the following **condition** is included in the event of a grant:

1. *Prior to commencement of development, the location, design, and construction details of the pedestrian crossings to be constructed by the applicant/developer and at their own expense shall be submitted for the written agreement of the Planning Authority. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.*
2. *Prior to commencement of development, the design and construction details of the footpath/road resurfacing of the entire Tay Lane from the development access connecting to Rathcoole Main Street, to be constructed by the applicant/developer and at their own expense shall be agreed with the roads department. The agreed plan, along with the*

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*written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.*

This **condition** is considered appropriate to ensure that works to improve the footpath and road are undertaken to an appropriate standard.

### *Item 5 – Universal Accessibility*

The applicant has redesigned the units to provide for improved wheelchair accessibility and facilitating either dual connection, or the ability of dual connection, to bathrooms. This is acceptable.

It is noted that the applicant is including wardrobe storage in the calculations for overall storage serving each dwelling, and several storage rooms exceed 3.5 sq.m. Section 12.6.7 'Residential Standards' clearly states:

#### *Internal Storage Standards*

- *Storage should be additional to kitchen presses and bedroom furniture.*
- *Hot press / boiler space will not count as general storage.*
- *In providing the storage in accordance with Table 3.21, no individual storage room should exceed 3.5 sq.m and storage shall be provided within the apartment unit.*

The majority of units comply with the standards of the Development Plan. For the units that, when wardrobe space is excluded for the purposes of storage provision, a below standard level of storage is provided, it is noted that this shortfall has arisen to provide improved accessibility to units, and where storage is provided, it would be of a sufficient size to store larger mobility aids. This is considered acceptable in the specific instance of providing universally accessible accommodation however, this should not be considered to set a precedent and future developments of a similar nature must provide an adequate level of living accommodation, including storage, while also being universally accessible.

### *Item 6 – Surface Water and SuDS*

Water Services have reviewed the submission and have recommended **refusal** for the following reasons:

- 1.1 Soakaways are not allowed for apartments because soakaways must be individually owned and not shared.*
- 1.2 Underground attenuation systems are not recommended because they do not provide Amenity value or biodiversity as is required by SuDS (Sustainable Drainage Systems).*
- 1.3 There is insufficient information submitted regarding the surface types and their respective areas and runoff coefficients and as such it is difficult to determine how much attenuation is required for the site.*

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Their report states that, in the event of a grant, the following **conditions** should be included:

- *Report showing surface water attenuation calculations with surface areas types, size of same in m2 and runoff coefficients.*
- *Removal of soakaway and replacement of attenuation system by means of SuDS elements such as, Green roofs, Blue roofs, Swales, green area detention areas and other such SuDS.*
- *Submit a drawing in plan and cross-sectional view showing all SuDS features, and attenuation capacity of same and treatment train.*
- *Show on a drawing the outfall of surface water from the site and where surface water discharges from site at greenfield runoff rate.*
- *Contact Waterservices and Public Realm to discuss and agree in writing revised surface water and SuDS system prior to commencement of development.*

The Public Realm Section have also reviewed the submission and recommended a **condition** is included that requires the removal of underground attenuation. As part of this **condition**, they also recommend the applicant is required to complete the following table to justify and rationalise the SuDS proposed.

Table 6.1 – SuDS Measures and Rationale

<b>SuDS Measures</b>	<b>Measures to be used on this site</b>	<b>Rationale for selecting/not selecting measure</b>	<b>Area of Feature (m2)</b>	<b>Attenuation volume of feature (m3)</b>
<b>Swales</b>				
<b>Integrated constructed Tree Pits</b>				
<b>Green/Blue Roofs (Intensive and Extensive Green Roofs)</b>				
<b>Filter Drain</b>				
<b>Permeable pavement (Grasscrete, Block paving, Porous Asphalt etc.)</b>				
<b>Green wall</b>				
<b>Filter strips</b>				

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<b>Bio-retention systems/Raingardens</b>				
<b>Blue Roofs</b>				
<b>Detention Basins</b>				
<b>Retentions basins</b>				
<b>Ponds</b>				
<b>Wetlands</b>				

It is not considered that **refusal** is appropriate in this instance as the outstanding issues can be addressed by **condition**. In this regard, it is considered appropriate to include the recommended **conditions** to ensure SuDS at the site comply with the recommendations and requirements of SDCC.

### Conclusion

The development subject to **conditions**, is considered to be consistent with the zoning objective 'RES' – *'To protect and/or improve residential amenity'*, and the relevant provisions in the County Development Plan 2022-2028 and is considered acceptable.

### Other Considerations

#### **Development Contributions**

<b>Are any exemptions applicable?</b>	No
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	119.10
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€119.10
<b>Area of Development (m2)</b>	3,505.70
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	3,505.70
<b>Total development contribution due</b>	<b>€119.10x3,505.70= €417,528.87</b>

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### Cash and Security Bond

Apartments	NO OF UNIT	CASH	BOND
1-20	20	€4,969	€5,715
21-50	30	€3,478	€4,000
51+	4	€1,988	€2,286
<b>TOTAL UNITS</b>	<b>54</b>	<b>€211,672.00</b>	<b>€243,444.00</b>
		20 x 4,969 30 x 3,478 4 x 1,988	20 x 5,715 30 x 4,000 4 x 2,286
<b>TOTAL SECURITY CALCULATION</b>		<b>€211,672.00</b>	<b>€243,444.00</b>

### SEA Monitoring Information

Building Use Type Proposed:	Residential
Floor Area:	4,224 sq.m (per application form)
Land Type:	Urban Consolidation
Site Area:	0.473 Hectares.

### Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to 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.



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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 20/12/2022 and Clarification of Further Information received on 29/03/2023, 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. Occupation  
The permitted development shall be operated only as an age friendly housing scheme, providing accommodation for people aged 55 and over, save for certain circumstances as determined by the Local Authority. No separate sales or equivalent disposal of any individual residential units shall take place. The residential development shall be owned and operated by a single institutional entity except where otherwise agreed in writing by the Local Authority.  
REASON: In the interest of the proper planning and sustainable development of the area
3. Archaeological Conservation
  - A. Prior to the commencement of development, a Conservation Management Plan for the recorded monument - RMP No. DU021-030004- Ritual site - holy well - shall be prepared, following consultation with the National Monuments Service, and submitted to the planning authority for their written agreement. The plan shall provide for the long-term maintenance and management of the recorded monument – RMP No. DU021-030004- Ritual site - holy well - to ensure that preservation in situ of the site can be achieved and maintained.
    - i. The plan shall be agreed in advance of the commencement of construction works to ensure that the management and coordination of all phases of construction works are consistent with the policies and procedures for the long-term protection and preservation of the recorded monument RMP No. DU021-030004- Ritual site - holy well.
    - ii. The plan shall incorporate a landscaping plan and/or stabilisation works programme, as appropriate, for the recorded monument RMP No. DU021-030004- Ritual site - holy well- that is sympathetic to the monument and incorporates appropriate surface expression of the subsurface remains of the recorded monument RMP No. DU021-030004- Ritual site - holy well which shall be excluded from the land areas designated 'amenity' or 'green' space within the development. The plan shall incorporate appropriate exclusion zones and site stabilisation mitigation measures to ensure that the recorded monument RMP No. DU021-030004- Ritual site - holy well shall remain secure and preserved in-situ and following consultation with NMS.
  - B. Interpretative signage shall be installed at agreed locations. The design and content of this signage shall be prepared in consultation with the National Monuments Service and

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should be approved by the planning authority. The final Conservation Management Plan, including details of implementation, shall be submitted to the planning authority and the National Monuments Service.

C. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/ site clearance/dredging/underwater works and/or construction works.

i. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, archaeological excavation and/or monitoring may be required.

ii. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

D. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in in the Conservation Management Plan and the Archaeological Impact Assessment specify, following consultation with NMS. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

REASON: In the interest of archaeological monitoring and preservation

#### 4. Implementation of Landscape Masterplan

The proposed landscaping scheme as per the submitted Landscape Design Rationale and shown on drawing No. 21149\_CFI\_LP Landscape Plan and associated plans including:

- Soft Landscape Plan (21149\_LPP\_SLP)
- Hard Landscape Detailed (21149\_LP\_HLD)

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 submitted Landscape Masterplan (drawing No. A.03.06.1 Site Layout Plan).
- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS:

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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 the CDP 2022-2028.

### 5. Retention of Landscape Architect

i) Prior to the commencement of 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 shall 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

### 6. Watercourse

As proposed by the applicant, the existing culvert shall be removed over the full extent of the site and the existing stream to be exposed with an access bridge to be installed to facilitate vehicular and pedestrian access to the site. The reinstated watercourse shown on drawing 21149\_CFI\_LP shall be implemented in full by the applicant.

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

### 7. SuDS and the removal of proposal for Underground Attenuation

There is a lack of natural SuDS (Sustainable Drainage Systems) features planned for the proposed development. Prior to the commencement of development and unless otherwise agreed, the applicant shall submit the following for the written agreement of the Planning Authority:

A. Plans providing additional natural SUDS features as part of proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall amend the scheme to address the following:

i. Removal of proposal for underground attenuation/soakaway.

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- ii. Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
  - iii. Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.
  - B. The applicant shall complete and submit Table 6.1, contained within the Planners Report, titled 'SuDS Measures and Rationale'.
  - C. Report showing surface water attenuation calculations with surface areas types, size of same in m2 and runoff coefficients.
  - D. Submit a drawing in plan and cross-sectional view showing all SuDS features, and attenuation capacity of same and treatment train.
  - E. Show on a drawing the outfall of surface water from the site and where surface water discharges from site at greenfield runoff rate.
- Prior to submission, the applicant is advised to contact Water Services and Public Realm to discuss and agree in principle the proposals for revised surface water and SuDS.
- REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with relevant policies and objectives contained within the CDP 2022-2028.

### 8. Ecological Impact Assessment Report

The recommendations and mitigation measures contained within the submitted Ecological Impact Assessment Report prepared by Gannon & Associates shall be implemented in full by the applicant.

REASON: To protect and enhance areas of biodiversity, in accordance with relevant policies and objectives contained within the CDP 2022-2028.

### 9. Green Infrastructure and Green Space Factor (GSF)

Prior to the commencement of development, the applicant shall demonstrate how they intend to reduce fragmentation of existing green infrastructure in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 – 2028. The applicant shall provide a green infrastructure plan showing connections through the site and connections to wider GI network.

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.

### 10. Tree Protection

All recommendations contained within the submitted Tree Report prepared by Gannon & Associates shall be implemented. A site meeting between all relevant parties (Arborist, Landscape Architect, Foreman, Parks Dept., possibly Project manager) shall be organised before the start of development on site to agree all matters. All remaining trees on the site shall be retained and shall be protected from damage for the duration of the works on site, to the satisfaction of the Planning Authority in accordance with BS 5837: 2012 and as per the submitted Tree Protection Plan (21149\_TP\_01). The cell-web no-dig paths shall be

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constructed in accordance with the standards in order to prevent damage to trees to be retained. All existing trees/hedges to be retained shall be enclosed by stout protective fencing, as per the Arborists report, located at a suitable distance as detailed in BS: 5837 – 2012 - 'Trees in Relation to Construction'. This protective fencing shall be erected before any materials are brought onto site and prior to the commencement of any works associated the proposed development. The protective fencing shall be maintained intact and in good order for the duration of the construction works. Any damage caused to the protective fence shall be repaired immediately. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the protective fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Planning authority.

In the event that trees become damaged or otherwise defective during construction period, South Dublin County Council shall be notified as soon as reasonably practicable and remedial action agreed and implemented at the developers own expense. Any necessary tree felling and surgery works shall be agreed on-site with South Dublin County Council prior to the commencement of the development.

The proposed location of the site compound, and the exact routes of all water mains, foul and surface water sewers shall be marked out on site, and agreed with South Dublin County Council prior to the commencement of any works on site, so as to minimise damage to trees which could result from excavation works, storage of materials and construction of temporary access roadway.

**REASON:** In the interest of visual amenity and of protection of existing trees and to ensure the continuity of amenity afforded by existing trees.

### 11. Financial - Tree Bond

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €79, 134.84 (seventy nine thousand one hundred and thirty four euros and eighty four cents) shall be lodged with South Dublin County Council as a security for the protection of the existing trees and hedgerows on site which are to be retained, as per the submitted Arborists Report.

The release of the bond will only be considered:

- i) Upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.
- ii) a minimum twelve months after the completion of all site works once it has been ascertained that all trees/hedgerows specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree and hedgerow protection.

The Council reserves the right to partially or fully sequester this bond in order to undertake compensatory planting elsewhere in the vicinity of this site, based on the

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Councils inspection and estimation of the damage caused.

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

### **12. Bird and Bat Boxes**

Prior to the occupation of the buildings a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

REASON: To encourage wildlife on the site

### **13. Council Housing Strategy.**

The applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

- (i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2022-2028, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and
- (ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2022 - 2028.

### **14. Management Company.**

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

- (i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;
- (ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership

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indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan 2022 - 2028.

### 15. 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:

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- 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.

### 16. Irish Water Connection Agreement.

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

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

### 17. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) 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.

### 18. Taking in Charge.

Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

A plan indicating any part of the development, as approved, intended to be offered for Taking-in-Charge to the Planning Authority, such areas shall be fully consistent with the Planning Authority's Taking-in-Charge policy and requirements. The plan shall make provision for all of the following:

- (a) All drainage and service ducts including accessories are fully located in, and accessible from, areas to be offered for Taking-in-Charge.
- (b) Where applicable any wayleaves in favour of SDCC shall be fully executed prior to being offered for Taking-in-Charge.
- (c) Site features to be retained and protected within any part of the approved development intended to be offered for Taking-in-Charge.
- (d) Any external common areas of the development as approved that it is intended to be retained in private ownership.



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REASON: In the interest of the proper planning and sustainable development of the area and to provide clarity on the nature and extent of areas intended to be offered for Taking-in-Charge to the Planning Authority.

### 19. Roads – Pedestrian Arrangements

A. Prior to commencement of development, the location, design, and construction details of the pedestrian crossings to be constructed by the applicant/developer and at their own expense shall be submitted for the written agreement of the Planning Authority and such agreed details shall be fully implemented on site.

B. Prior to commencement of development, the design and construction details of the footpath/road resurfacing of the entire Tay Lane from the development access connecting to Rathcoole Main Street, to be constructed by the applicant/developer and at their own expense shall be submitted to the Planning Authority for written agreement and such agreed details shall be fully implemented on site.

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

### 20. Public Lighting

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall have lodged with the Planning Authority:

- i) A Public Lighting Scheme including all electrical design, for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to the current editions of both the European Lighting Standard ISEN13201 and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: along with:
- ii) Written confirmation from the Council's Public Lighting Section that the scheme is fully in compliance with the above standards applicable, and
- iii) A written commitment to implement the agreed Public Lighting Scheme in full, and maintain it to taking in charge standards in perpetuity or until taken in charge by the Council,

iv) All the above requirements have been acknowledged in writing as acceptable by the Planning Authority.

The public lighting scheme shall be contained exclusively within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company.

Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.

The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from residential properties, public roads and any bat roosts or areas with bat activity. No lighting column shall be located

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within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Public Realm section in this regard.

In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development.

The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the required plan to them for agreement.

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

### 21. Casement Aerodrome - Aviation

A. Given the proximity to Casement Aerodrome, operation of cranes shall be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at [airspaceandobstacles@defenceforces.ie](mailto:airspaceandobstacles@defenceforces.ie) or 01-4037681.

B. Due to the proximity to Casement Aerodrome, the developer shall implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations.

REASON: In the interest of aviation safety

### 22. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €417, 528.87 (Four Hundred and Seventeen Thousand, Five Hundred and Twenty Eight Euros and Eighty Seven 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 Act 2000 (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](mailto:customerservice@water.ie).

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### 23. Financial - Bond or Cash Deposit

Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:

(A) Lodgement of a cash deposit of €211, 672 (Two Hundred and Eleven Thousand, Six Hundred and Seventy Two Euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or

(B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €243, 444 (Two Hundred and Forty Three Thousand, Four Hundred and Forty Four Euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided , completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

**REASON:** To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

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

**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.

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

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

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.


# Comhairle Chontae Atha Cliath Theas

**PR/0440/23**

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

**REG. REF. SD22A/0342**

**LOCATION: Lands located to the east of Tay Lane, Newcastle Road, Rathcoole, Dublin  
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\_\_\_\_\_  
**Jim Johnston,  
Senior Executive Planner**

  
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**Gormla O'Corrain,  
Senior Planner**

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

**Date:** 24 April 2023

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