

COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL



MEETING OF SOUTH DUBLIN COUNTY COUNCIL

Monday, 14th September 2020

HEADED ITEM NO. 16

Chief Executive's Report on Public Consultation in relation to the proposed development of a social housing project for Independent Living for Older Persons, consisting of 4 no. 1-bedroom apartments in a two-storey structure on the Old Lucan Road adjacent to the junction with Hollyville Lawn, Palmerstown, Dublin 20.

1. Introduction

In accordance with the requirements of Part XI of the Planning and Development Act, 2000 (as amended) (the Act) and Part 8 of the Planning and Development Regulations, 2001 (as amended) (the Regulations), South Dublin County Council is seeking planning consent to construct a social housing project for Independent Living for Older Persons, consisting of 4no. 1-bedroom apartments in a two-storey structure on the Old Lucan Road adjacent to the junction with Hollyville Lawn, Palmerstown, Dublin 20.

The purpose of this Chief Executive's Report is to present the outcome of the consultation, to respond to submissions made during the consultation period and to make recommendations in relation to the proposed development where appropriate.

2. Site Description

The proposed site is located on the Old Lucan Road in Palmerstown. The Old Lucan Road was formerly the main road from Dublin to the West but was by-passed and is now a very wide cul-de-sac with a turning circle approximately 250m to the west of the site in question.

The site was originally occupied by a stable, as was the site opposite on which part of the original structure remains (a protected structure), and it pre-dates the surrounding development from the 1960's. The site was occupied by a motor vehicle premises which closed sometime after the by-pass opened. We believe that it contained a large single storey shed to the rear and a forecourt to the front. The shed was subsequently demolished, and the site is now vacant with the exception of some perimeter/boundary walls which it is proposed to retain. The site measures 1025m².

The site is surrounded by residential development of a consistent type – two storey semi-detached housing with concrete tile roofs, and pebble dashed or rendered external finish with brick trim. This is low density housing with large front and rear gardens. To the east and south the site is bounded by the rear of houses fronting onto Hollyville Lawns. To the west it faces the side of a house fronting onto Old Lucan Road.

The site is well served by public transport and local facilities. The site is relatively free of onsite services, and it is currently undeveloped.

3. Scheme Description

The proposal is for a social housing project for Independent Living for Older Persons, consisting of 4 no. 1-bedroom apartments in a two-storey structure on the Old Lucan Road adjacent to the junction with Hollyville Lawn, Palmerstown, Dublin 20.

The works include: new access from Old Lucan Road, new boundary walls and gate to Old Lucan Road, provision of 4 no. car parking spaces in a landscaped front garden, courtyard garden to rear, improvement works to boundaries and all necessary associated ancillary works on the site and to adjacent areas. All units to be minimum A3 rated.

Plans and reports for proposed development are shown on the following links:

[Sheet 1 Site Location Plan](#)
[Sheet 2 Existing Site Plan + Constraints Plan](#)
[Sheet 3 Proposed Site Plan + Roof Plan](#)
[Sheet 4 Proposed Part Site Plan](#)
[Sheet 5 Proposed Floor Plans, Elevations + Sections](#)
[Sheet 6 Proposed Site Elevations](#)
[Sheet 7 Proposed 3d Views](#)
[Sheet 8 Foul Water Layout Plan](#)
[Sheet 9 Surface Water Layout Plan](#)
[Sheet 10 Watermain Layout Plan](#)
[Sheet 11 Engineering Services Report](#)
[Screening for Appropriate Assessment](#)
[Screening for Environmental Impact Assessment](#)
[Architect's Report](#)

4. Public Consultation

Plans and particulars of the proposed development were on public display for six weeks from 11th June 2020 to 23rd July 2020 (inclusive). During the public consultation, information on the proposed social housing development was disseminated to the public and submissions were invited.

The public consultation on the proposed social housing development included the following statutory and non-statutory elements:

- Newspaper Notice in the Echo and the Gazette (online edition).
- Public consultation displays in South Dublin County Council Offices at County Hall

- in Tallaght.
- Information on Social Media including Facebook and Twitter.

Submissions and observations on the social housing development could be made online and in writing for a period of six (6) weeks between 11th of June 2020 to 23rd of July 2020 (inclusive).

5. Legislative Background

Section 179 (3) (a) of the Act, requires that the Chief Executive shall, after the end of the public consultation period, prepare a written report in relation to the proposed development and submit the report to the members.

Section 179 (3) (b) of the Act outlines that a report shall—

- Describe the nature and extent of the proposed development and the principal features thereof and shall include an appropriate plan of the development and appropriate map of the relevant area.
- Evaluate whether or not the proposed development would be consistent with the proper planning and sustainable development of the area to which the development relates, having regard to the provisions of the Development Plan and giving the reasons and the considerations for the evaluation.
- List the persons or bodies who made submissions or observations with respect to the proposed development.
- Summarise the issues, with respect to the proper planning and sustainable development of the area in which the proposed development would be situated, raised in any such submissions or observations, and give the response of the Chief Executive thereto. and,
- Recommend whether or not the proposed development should be proceeded with as proposed, or as varied or modified as recommended in the report, or should not be proceeded with, as the case may be.

Under Section 179(4) of the Act, the elected members shall, as soon as practicable, consider the proposed development and the report of the Chief Executive. Following the consideration of the Chief Executive's report, the proposed development may be carried out as recommended in the Chief Executive's report, unless the local authority, by resolution, decides to vary or modify the development, otherwise than as recommended in the Chief Executive's report, or decides not to proceed with the development. A resolution must be passed not later than six (6) weeks after receipt of the Chief Executive's report.

6. Environmental Impact Assessment and Appropriate Assessment

The proposal has undergone an Appropriate Assessment Screening under the Habitats Directive (92/43/EEC). This Council has determined that the implementation of the proposed development would not likely to have significant adverse effects on the integrity or conservation objectives of any Natura 2000 network of sites.

It has also undergone a preliminary examination for an Environmental Impact Assessment and the Planning Authority has concluded that there will be no real likelihood of significant effects on the environment arising from the proposed development and therefore an

Environmental Impact Assessment is not required.

As a result of the above, in accordance with Part XI of the Act, the elected members of the Council can consider the proposed social housing project for Independent Living for Older Persons, consisting of 4 no. 1-bedroom apartments in a two-storey structure on the Old Lucan Road adjacent to the junction with Hollyville Lawn, Palmerstown, Dublin 20, under Part 8 of the Regulations.

7. Outcome of Public Consultation Programme

A total of 8 submissions/observations were received.

A list of all the persons, organisations and bodies that made submissions is provided in the table below together with a copy of the submission received.

Person/Prescribed Body	Link to Submission Received
Dept. of Communications, Climate Action and Environment	Link
Geological Survey Ireland	Link
Transport Infrastructure Ireland	Link
Irish Water	Link
Inland Fisheries Ireland	Link
Councillor Alan Hayes	Link
Caroline Bergin	Link
Pauline Geraghty	Link

A table breakdown of the issues raised in the submissions received for all categories is outlined here (summary and responses to issues raised is provided in Section 8 below):

No.	Category of Submission	Count
1	Environmental Concerns	2
2	Boundary Issues and Landscaping	4
3	Residual land, a triangular parcel of land to the North East corner of the development	2
4	Design of the proposed development	3
5	Public consultation	1
6	Support for the proposal	1
7	Statutory Bodies Submissions	3

8. Summary of Issues Raised and Chief Executive's Responses and Recommendations

Submission Category No. 1 – Environmental Concerns

1. Concern has been made regarding the quality of topsoil from the site considering that this land previously operated as a petrol station. The Environmental Impact Assessment Screening Report comments that topsoil from the site may be used for planting is noted as a concern on the submission.
2. Submissions have also referred to the previous use of the site as a petrol station and have cited concerns regarding possible petrol tanks buried beneath the site.

Responses:

- The Council note the concern regarding the use of the topsoil within the development. An environmental impact assessment was carried out on this site and the consultant report has as noted that tarmac and concrete covering the site and surplus soil will be disposed of off-site to an appropriate waste disposal facility. Should the proposed development be approved, all soil to be used for planting, will be assessed by the Environmental Consultant prior to use.
- The Council confirm that Túath Housing commissioned a full site investigation at pre-planning stage in an attempt to establish any potential underground tanks. No underground tanks were found during the site investigations at the boreholes and trial pit locations identified across the extent of the site with the findings being made ground up to 2.3m deep overlaying sandy gravelly clay. Should the proposed development be approved further investigation will take place prior to construction. It is proposed that any buried petrol tanks identified within the footprint of the buildings or roads will be demolished and removed, elsewhere within the development they will be filled in and remain in-situ in landscaped areas. Please note this is subject to a detailed site survey to confirm the exact location of the buried tanks (if any) and further assessment by the Environmental Consultant prior to construction.

Submission Category No. 2 – Boundary Issues and Landscaping

1. Concerns raised by local residents regarding the stability and safety of the existing boundary wall which appears damaged in parts, possibly as a result of a fire previously on the premises of the proposed development and a request has been made to ensure the wall is safe for existing and new residents.
2. Confirmation if the foundation for the existing boundary wall will be retained.
3. A submission has requested that the type of tree planted should be small enough so that it doesn't cause a nuisance to residents in any surrounding property.
4. Concern from a local resident adjoining the scheme in respect of treatment of the boundary along the steel fencing.

Response:

- The structural stability of the boundary walls surrounding the development site will be assessed by a structural engineer in detail prior to construction to ensure that these walls are stable, any remedial works recommended by the engineer as required will be implemented prior to construction. Observation comment regarding footpath next to high wall is noted.
- The foundation of the existing boundary will be assessed by the project engineer as part of the full boundary assessment prior to construction.
- The Council note concerns of residents adjoining the development. Any proposed changes to the boundary wall will be done in consultation with residents sharing the boundary with the proposed new development.
- The section of steel fencing next to the first house adjoining the site is to remain in place. Please note the area where this fence is installed is not owned by Túath Housing or South Dublin County Council and is therefore outside the remit of this application.

Submission Category No. 3 – Residual land, a triangular parcel of land to the North East corner of the development.

1. Concern raised regarding residual land, a triangular parcel of land to the north east corner of the development as the land borders a home at Hollyville Lawns and it is proposed to fence the land off from the Old Lucan Road and to build a new wall to separate it from the proposed development.
Concerns include:
 - The residual land will effectively be a dead-end laneway.
 - Who will be responsible for the maintenance of the residual land.
 - Who will be responsible for the clearing of dumping, cutting of overgrowth.
 - The real potential for anti-social activity.Request that this land become a landscaped part of the development or that the Council undertake to maintain the area.
2. Comments made in respect of plans provided on development being unclear in respect of section of land and whether this area is included in the proposal to develop. The site boundary appears to include the residual land in some images and exclude it in others and has caused confusion amongst some observers of the proposal.

Response:

- The site of the proposed development was acquired under by the Council under the Derelict Sites Act and is in the registered ownership of the Council.
- The triangular section of land is not included within the proposed Part 8 development as this land is in third party ownership. The Council propose to establish further details in respect of the site ownership on this section of land should the Part 8 be approved.
- All observation and comments regarding the residual piece of land are noted.

Submission Category No. 4 – Design of the proposed development

1. Concern that the structure to be built has an apex roof as all other properties in the area have a hip roof, and request that consideration be given to a hip roof rather than an apex roof as a hip roof would be less imposing from the point of view of existing property owners whose property backs onto the site.
2. Submission received querying the number of entrances to the proposed development
3. Concerns regarding trees proposed within the development and possible impact of light to existing housing.

Response:

- The development proposal's design with an apex roof aligns with local pitched roofed precedents within the area including the historical 'Beehive' stable building on the opposite side of the Old Lucan Road and housing developments at Riversdale Avenue and Riverside Drive adjacent to the site. The development steps back from existing properties to avoid being overly imposing to these owners' houses.
- The entrance to the site is through a single vehicular gate from the Old Lucan Road. There are pedestrian gates provided to either side of the building to provide access to the rear secure garden area and to facilitate wheeling out bins from the bin storage area, the

building itself includes an entrance door from the front entrance courtyard and an entrance door from the rear secure garden area.

- Any new trees specified will be of a low-height species to prevent them from blocking out light in to neighbouring houses.

Submission Category No. 5 – Public Consultation

1. Submission received referring to the absence of a pre-Part 8 consultation meeting with local residents and lack of meetings during the consultation period.

Response:

- The Council confirms that the consultation period of this proposed Part 8 development has been followed in accordance with legislation. Part 8 of the Planning and Development Regulations 2001 (as amended) sets out the timeframe for third party observations/submissions on the Part 8 application at six weeks from the date of lodgement. The Council published the Part 8 notice on the 11th June 2020 to 23rd July 2020 (inclusive) which provided a six-week period in total for observations and submissions to be made on this proposed development. This Council's Consultation Portal, where the full plans were published, was open 24 hours over the consultation period to allow for electronic submissions and observations.

Submission Category No. 6 – Support for the proposal

1. Submission received supporting the proposed and commenting on the existing supports in the Palmerstown area for more vulnerable people specifically Stewarts Care and Dublin Simon Community which both operate residential units within 200 metres of this site.

Response:

- The Council acknowledges the submission received indicating support for the proposed housing development.

Submission Category No. 7 – Statutory Bodies Submissions

1. Submission received from the Department of Communications, Climate Action and Environment requesting that the Council consult directly with this Department in respect of waste management prior to finalisation of plans.
2. Submission received from Irish Water requesting that prior to the commencement of development that a water connection agreement(s) is entered into with Irish Water; that all works are to comply with the Irish Water Standard Details for Water Infrastructure; and that any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.
3. Submission received from the Inland Fisheries Ireland outlining the Council's requirements to complete statutory requirements in respect of review of capacity of foul and surface water infrastructure, surface water management measures, compliance with policies and recommendations made under the Greater Dublin Strategic Drainage Study (GSDSDS), petrol/oil interception, and silt fencing of discharge streams during construction.

Response:

- Should the proposed development be approved, the Council commit to consult with the Department of Communications, Climate Action and Environment on the waste management plan for this scheme.
- The comments made by Irish Water are noted. Application will be made to Irish Water for water supply and foul drainage connection and the quality of these will be under their remit.
- The Council note the comments made in the submission received from the Inland Fisheries. The Council confirm that all works will be in line with a project specific Construction Environmental Management Plan (CEMP), which will identify potential impacts and mitigating measures, and provide a mechanism for ensuring compliance with environmental legislation and statutory consents. The CEMP will detail and ensure best construction practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt.

9. Proposal for Section 183 Disposal to Túath Housing.

The site is currently in the ownership of the South Dublin County Council. Should the proposed development be approved under Part 8 of the Planning and Development Regulations 2001 (as amended) the next step will be to propose to the Elected Members, the disposal of the site to Túath Housing in accordance with Section 183 of the Local Government Act 2001.

10. Recommendation

Following consideration of the submissions, it is considered that the issues raised will be satisfactorily addressed as outlined in the foregoing report. Accordingly, it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area and therefore it is recommended that the Council adopt the following Motion:

“As the proposed development is in accordance with the proper planning and sustainable development of the area, the Council approves the development of a social housing project for Independent Living for Older Persons, consisting of 4 no. 1-bedroom apartments in a two-storey structure on the Old Lucan Road adjacent to the junction with Hollyville Lawn, Palmerstown, Dublin 20”.