

**COMHAIRLE CONTAE ÁTHA CLIATH THEAS SOUTH DUBLIN COUNTY COUNCIL**



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday 11<sup>th</sup> of October 2021**

**HEADED ITEM NO. 10**

**Chief Executive's Report on Public Consultation for Proposed Social Housing Development of 10 homes for Older Persons at Pearse Brothers' Park, Dublin 16**

**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 develop a social housing project consisting of 10 units on undeveloped lands at Pearse Brothers' Park, Dublin 16.

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. In tandem, this report:

- Describes the nature and extent of the proposed development and is accompanied by an appropriate plan of the development and appropriate map of the relevant area;
- Evaluates 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;
- Is accompanied by the screening determination on why an environmental impact assessment is not required and specify the features of the proposed development and the measures to avoid or prevent adverse effects on the environment of the development;
- Is accompanied by the County Architects report on the public consultation in relation to the proposed development;
- List the persons or bodies who made submissions or observations;
- 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 submissions and observations, and give the responses of the Chief Executive; and
- Recommends whether or not the proposed development should be proceeded with as proposed, or as varied or modified as recommended in this report.

## **2. Site Description**

The proposed site is located in the townland of Rathfarnham, South Dublin County, specifically on undeveloped open space lands at Pearse Brothers' Park. The proposed development comprises an area of 0.28ha and is on a site in a residential area with open space to the west, Pearse Brothers' Park residential development to the north and east and Glenmore Park forms the southern boundary with Scoil Mhuire school adjacent to the south-west of the development site. The location is well served by public transport and local facilities and the site is relatively free of onsite services.

## **3. Description of the Proposed Development**

On 27<sup>th</sup> May 2021, the Council gave notice of a Part 8 development proposal for age friendly housing on undeveloped land at Pearse Brothers Park comprising:

- 6 no. 1-bedroom one storey houses (2 person)
- 2 no. 2-bedroom ground floor apartments (3 person)
- 2 no. 2-bedroom first floor apartments (3 person)
- Community room facility for age friendly supports

The proposed works also include landscaping works to boundaries and all necessary associated ancillary works on the site and to adjacent areas. All proposed new homes will have a minimum A2 BER rating and the housing provision comprises of one storey terraced units and two storey terraced end-units grouped in three blocks, located around a central courtyard.

Detailed plans, drawings and reports in relation to the proposed development are available at the following links:

[Sheet 1 - Site Location Existing Site Constraints](#)

[Sheet 2 - Proposed Site Location](#)

[Sheet 3 - Aerial Views](#)

[Sheet 4 - Proposed GF and FF Plan](#)

[Sheet 5 - Proposed Elevations](#)

[Sheet 6 - Proposed 3D Views](#)

[Sheet 7 - Proposed House Types](#)

[Screening for Appropriate Assessment](#)

[Screening for Appropriate Assessment Determination](#)

[Screening for Environmental Impact Assessment Report](#)

[Environmental Impact Assessment Determination](#)

[County Architects Report](#)

## **4. Public Consultation**

Plans and particulars of the proposed development were on public display for six weeks from 27<sup>th</sup> May 2021 to 9<sup>th</sup> July 2021 (inclusive). During this period for public consultation, information on the proposed 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 notices in the Echo and the Gazette.
- Public consultation via the Council's online consultation portal.

- A briefing and consultation meeting for local Elected Members, and representatives of local residents.
- Information on social media including Facebook and Twitter.

## **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—

- i. 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.
- ii. 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.
- iii. List the persons or bodies who made submissions or observations with respect to the proposed development.
- iv. 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.
- v. 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) and it has been determined by the Council that the implementation of the proposed development would not be likely to have significant adverse effects on the integrity or conservation objectives of any Natura 2000 network of sites. The proposal has also undergone screening for an Environmental Impact Assessment and the Planning Authority has determined 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. Both screening determinations accompany this report and are available in the links provided above.

Therefore, in accordance with Part XI of the Act, the Elected Members of the Council can

consider the proposed development of a social housing project consisting of 10 units on undeveloped lands at Pearse Brothers' Park, Dublin 16.

### 7. Outcome of Public Consultation Programme

A total of 21 submissions/observations were received. All submissions have read, analysed and summarised. A list of all the persons, organisations and bodies that made submissions is provided in the table below together with a link to the copy of the submission received. The submissions can be viewed individually by clicking on the links embedded in the table. (For reasons of data protection, these documents have the personal addresses of submitters redacted.)

	Person/Prescribed Body	Submission
1	Submission of Akpobomena Elizabeth Ighovojah	<a href="#">Link</a>
2	Submission of Angela Murphy	<a href="#">Link</a>
3	Submission of Ballyboden Tidy Towns	<a href="#">Link</a>
4	Submission of Casey Parkin	<a href="#">Link</a>
5	Submission of Cllr Alan Edge	<a href="#">Link</a>
6	Submission of Denise Parkin	<a href="#">Link</a>
7	Submission of Esme Denvir	<a href="#">Link</a>
8	Submission of Geological Survey Ireland	<a href="#">Link</a>
9	Submission of Gerard Reynolds	<a href="#">Link</a>
10	Submission of IFI – Surface Water Management	<a href="#">Link</a>
11	Submission of Irish Water	<a href="#">Link</a>
12	Submission of Laura Fitzgerald	<a href="#">Link</a>
13	Submission of Manuel Doyle	<a href="#">Link</a>
14	Submission of Marie McEvoy	<a href="#">Link</a>
15	Submission of Palmer/ Pearse Brothers Park Residents	<a href="#">Link</a>
16	Submission of Pamela Murray	<a href="#">Link</a>
17	Submission of Precious Zandile Shabalala	<a href="#">Link</a>
18	Submission of Rob Hunt	<a href="#">Link</a>
19	Submission of Rosita Guidera Coyne	<a href="#">Link</a>
20	Submission of Sabrina Finlay Durkin	<a href="#">Link</a>
21	Submission of Waste Policy and Resource Efficiency Division	<a href="#">Link</a>

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	Public Realm/Loss of Green Space/Recreational Amenity/Impact of Services/ Children's Wellbeing and Safety	80
2	Roads/Traffic/Parking/Waste/Drainage	12
3	Design/Density/Site Location	38
4	Statutory Bodies Submissions	2
5	Consultation Process	9
6	Site Investigations/Project Scoping	3
7	Non-Planning Issues Raised during consultation	3

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

### **8.1 Issues raised in relation to Public Realm/Loss of Green Space/Recreational Amenity/Impact of Services /Children's Wellbeing and Safety**

- Loss of green space removing a safe play space for local children with associated negative impact on children's mental health and recommendation for a play area to be constructed instead of a housing development.
- Loss of space a multipurpose green area, recently upgraded by Public Realm, for sports and social events for local residents, including residents of Glenmore where there is no available green space.
- Removal of bushes resulting in loss of wildlife habitat for a variety of wildlife, including birds, bats, and foxes and loss of pollinator beds and biodiversity.
- Existing homes on Pearse Brothers Park have no front gardens increasing the importance of communal green space for residents of all ages.
- Cited previous agreement about no building on this green space due to removal of previous green space for access through estate to Glenmore Park.

#### **Response:**

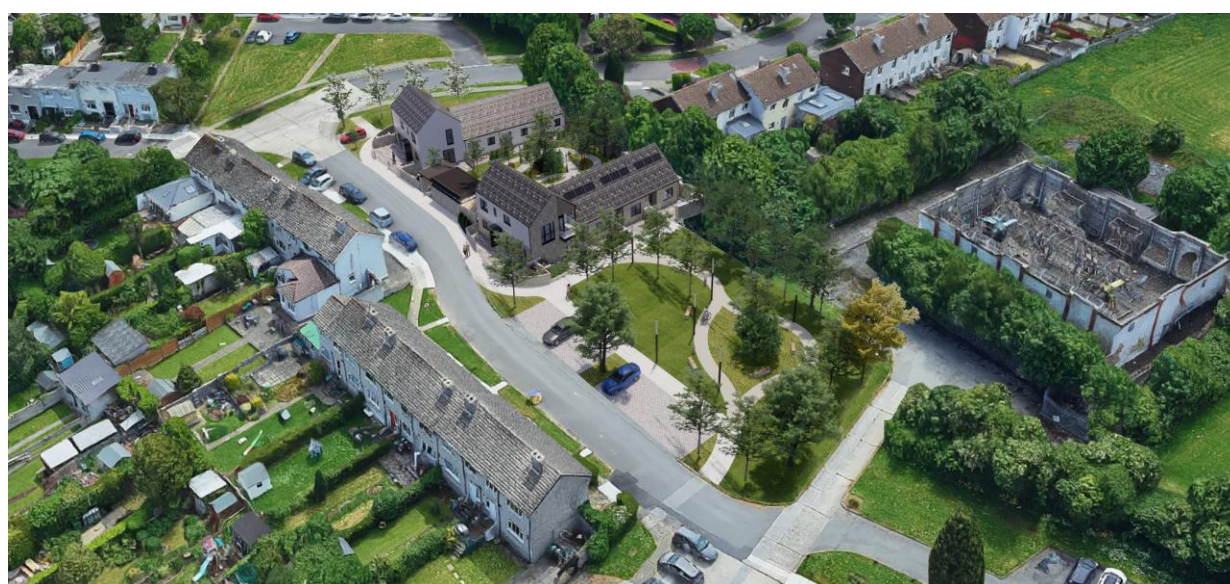
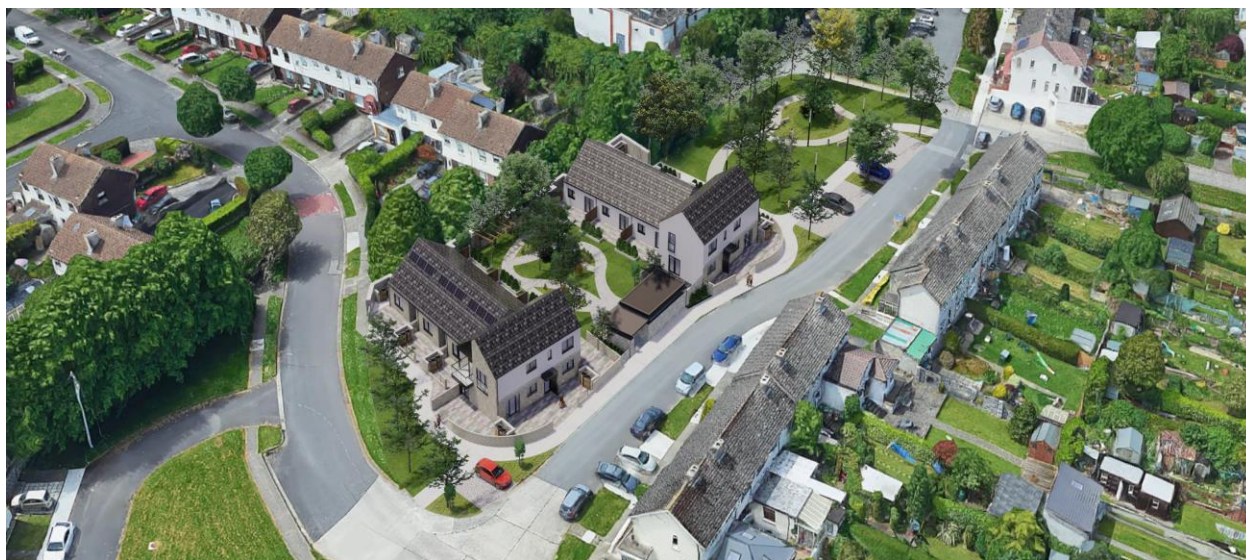
Concerns in relation to the proposed development on open space are noted. This site is one of several sites within the County proposed to provide age friendly housing. The provision of appropriate housing for the county's ageing population is stated policy within the current County Development Plan 2016-2022 (CDP). Specifically, it is the policy of the Council to support the provision of accommodation for older people in established residential and mixed-use areas that offer a choice and mix of accommodation types to older people (independent and semi-independent living) within their communities and at locations that are proximate to services and amenities. The Development Plan seeks to address the housing needs of older people within their communities, in accordance with these approved objectives:

- To promote and support high quality infill development in existing built-up areas (CS2 Objective 5)
- To support community led housing developments for older people in established areas on lands designated with Zoning Objective "OS" (To preserve and provide for open space and recreational amenities), where the quality and quantum of remaining public open space is deemed to be adequate, and the amenities of the area are preserved (H3 Objective 3)

This site is designated Zoning Objective "OS" upon which residential development and housing for older people are open for consideration. The proposal meets the criteria age friendly housing given its proximity to community, transport, health, social and other services while also preserving a quantum of open space to be enhanced in association with the proposal. While a proportion of the open space is being utilized for age-friendly housing, the overall social value, passive surveillance/security, public access and amenity of the remaining open space will be improved.

Limited existing older persons accommodation in the vicinity of the proposed housing development will not be sufficient for prevailing and future local older persons' housing need. The Council propose to provide new energy efficient homes to older persons interested in downsizing within the locality in addition to those currently on the housing list seeking property in the area. In addition, it is the Councils agreed policy in line with national policies to increase

the provision of smaller homes in developments, ensuring that older people can remain living in their communities close to essential services, facilities and support networks.



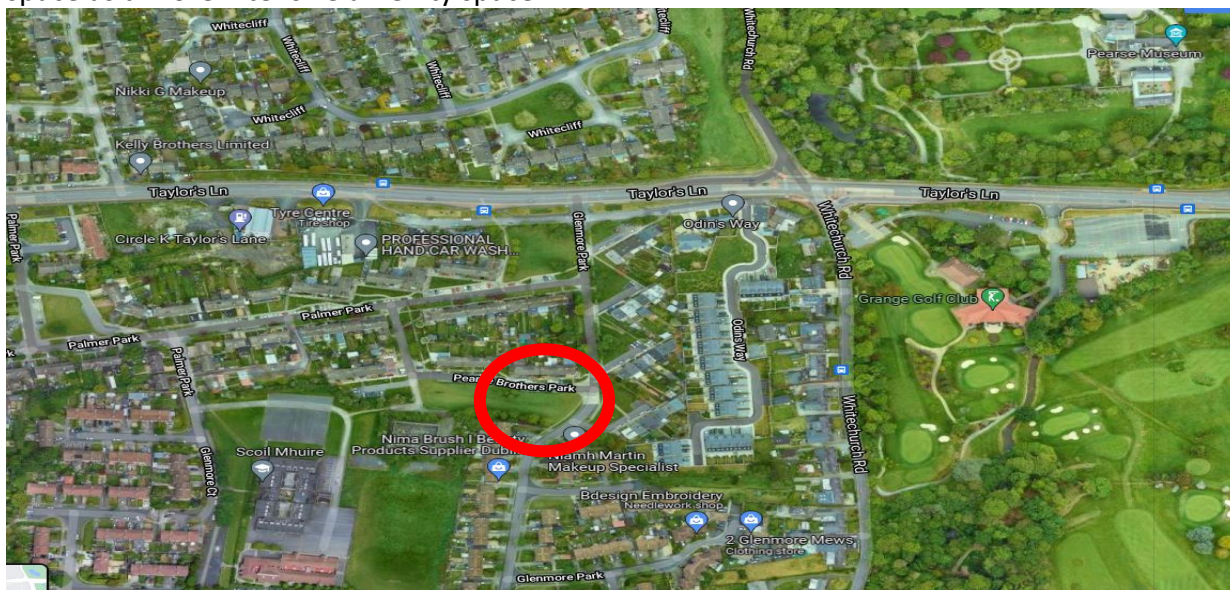
**CGI Aerial views of proposed development**

It is proposed to divide the remaining open space into usable activity areas to include a paved home zone with potential for community events and green areas with informal landscaped areas and walking paths with benches for additional usage, all combining to provide a greater identity to the open space. Provision has been made for planting new trees to this part of the open space and enhancing the existing soft landscape as per the displayed Part 8 plans and drawings with a more detailed landscape proposal to be developed by a Landscape Architect at the subsequent detailed design stage of the project in consultation with the Council's Public Realm department.

The proposal has undergone an Appropriate Assessment Screening under the Habitats Directive (92/43/EEC) and preliminary examination for Environmental Impact Assessment. An EIA Screening Report completed on behalf of the Council for the proposed development determined that no likely significant impacts are expected as a result of the proposed

development. This is due to the small size of the development and the distance and lack of pathways to Natura 2000 sites. 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. The text of the determination relating to the EIA Screening was included in site notice and County Architect's Report that accompanying the Part 8 application.

Should the proposed development be approved an Arborist report will be completed to assess the impact of the proposal on the existing mature trees. Council policy on Tree Management, "Living with Trees", commits to ensuring that, where it is conducive with the objectives of the County Development Plan and other planning objectives, there is maximum retention of trees on new development sites and replacement is promoted for any trees removed to facilitate approved developments. Planting, as appropriate, will be incorporated into the development with extensive planting of native trees proposed to support and enhance the existing environment. The immediate area and nearby environs are well-served by a number of well-maintained and large green areas. On this site the proposed scheme offers a balance between the provision of badly needed age-friendly housing with the potential to release a number of under-used homes to growing families and the enhancement of the remaining half of the open space as a more intensive amenity space.



**Aerial view from Google Maps of Part 8 site and nearby green/open space**

Land reference and other checks have yielded no evidence of the cited historic agreement between the Council and residents that the open space in Pearse Brothers Park would be exempted from consideration for building due to removal of a previous green space for access through the estate to Glenmore Park. The lands are zoned open space "OS" which includes the proposed development being open for consideration.

#### Chief Executive's Recommendation

It is recommended that no variation or modification be made to the proposed development.

### **8.2 Issues raised in relation to Roads/Traffic/Parking/Waste/Drainage**

- Increased traffic levels and associated public health hazard, particularly at the junction of Pearse Brothers onto Taylor's Lane, the lack of a Traffic Impact Assessment, Carparking

- Strategy or Road Safety Audit (RSA) by independent specialist.
- Additional traffic & congestion at the construction phase.
- Various parking issues including limited existing parking facilities and associated bad parking practice, loss of existing carparking spaces (in two parallel bays on south side of the road), clarification on inconsistencies on proposed carparking spaces, lack of assessment of carparking requirement in accordance with Development Plan and lack related of Auto Track and swept paths assessments.
- Pearse Brothers Park road width of 4.8m is below standard minimum 5-5.5m carriageway width.
- Provision of cycle spaces, electric charging car spaces for the development (10%) and waste collection arrangements not identified in Part 8 proposal.
- Existing drainage issues including attenuation tanks under open space and lack of details of drainage design in proposal.

**Response:**

The concerns and comments regarding traffic related matters are noted.

The County Development Plan sets out an overarching objective around transport and mobility to promote the sustainable development of the County through the creation of an integrated transport network that services the needs of communities and businesses. The Council's policy and objectives for Transport and Mobility in relation to new developments are outlined below and the proposed scheme is aligned to these:

- To spatially arrange activities around, and improve access to, existing and planned public transport infrastructure and services (TM1 Objective 2)
- To ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present. (TM Policy 6-Road and Street Design)
- To appropriately apply speed limits considering the characteristics of the surrounding area, the design of the street environment and the presence of vulnerable users (TM6 Objective 1)
- To re-balance movement priorities towards more sustainable modes of transportation by prioritising the development of walking and cycling facilities within a safe and traffic calmed street environment (TM Policy 3 Walking & Cycling)
- To ensure that all streets and street networks are designed to prioritise the movement of pedestrians and cyclists within a safe and comfortable environment for a wide range of ages, abilities and journey types (TM3 Objective 3)
- To take a balanced approach to the provision of car parking with the aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation (TM Policy 7 Car Parking)
- To carefully consider the number of parking spaces provided to service the needs of new developments (TM7 Objective 1)
- To ensure that car parking does not detract from the comfort and safety of pedestrians and cyclists or the attractiveness of the landscape (TM7 Objective 3)

If the project is approved any contractor appointed will be required to nominate a community liaison to engage with local residents during the construction period. In addition, a comprehensive Construction Traffic Management Plan will also form part of the contract to



address and manage construction traffic and associated safety issues. As with all sites being developed, the site will generate some construction traffic and temporary congestion, but this will be mitigated somewhat by rapid off-site construction and a shortened-on site construction period.

The Council's Roads Department were consulted and have advised that, due to its limited size, the development will not impact in a significant way on the traffic in the area and safe egress and access can be readily achieved. Transport Infrastructure Ireland (TII) is one of the prescribed bodies who received the proposed scheme details but did not make the specific observations and it is noted that the site is well serviced with public transport links which can be accessed by tenants and visitors of the proposed housing development.

Traffic and parking requirements resulting from age-friendly housing are significantly lower than for a standard housing development and it is not considered that there will be any significant additional traffic in Pearse Brothers Park or the local area as a result of this development while the provision of eleven proposed parking spaces (including a number of relocated spaces) on the north-western side of development should cater for parking needs for residents and visitors to the development in line with the maximum provision as set out in the County Development Plan and given the limited requirements for additional parking from such housing development together with the area being well served by public transport links. Lower than maximum provision is also acceptable when considering factors including the proximity of the development to public transport, proximity of services to fulfil day to day needs, peak hours of demand and the ability to share spaces between different uses. In addition, car parking design and layout should be predominately on street with communal (undesignated) spaces to allow for a greater turnover of spaces and to allow for visitors. Furthermore, the streets surrounding the proposed development have on-street parking to cater for the local parking demand and the parking provision for the scheme aligns with the aforementioned transport and mobility objectives. In addition, due to the small scale of the development, the Road Safety Audit (RSA) by an independent specialist is not required at the Part 8 application stage. All road and path at the detailed design stage will be in compliance with taking in charge standards [TIC] and Design Manual for Urban Roads and Streets (DMURS) criteria, and in consultation with the Council's Roads Department.



**Proposed Site Plan Indicating Parking**

The proposal will realign the road to provide minimum 5m carriageway and pedestrian footpath on the southern side of the road. The 10% provision of electric charging car spaces for the development will be included within the proposed car parking spaces. Three cycle spaces will be located near to and incorporated into area at the community room entrance design as part of a sustainable approach to this development.

The Council will work in conjunction with Irish Water to protect existing and improve water and drainage infrastructure with the detailed drainage design to be developed and fully scoped to ensure capacity of the existing network at design stage by specialist engineers in consultation with the Council's Drainage Department. The drainage system will be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works and an overall study will be undertaken to determine the most sustainable and appropriate attenuation on site.

In relation to waste management, the contractor will be required to produce a Construction Waste Management Plan, to be approved by the Council, before commencement on site as part of their contract agreement, should the development be approved. In addition, the completed homes will be maintained and managed by the Council (or a nominated Approved Housing Body) with an appropriate waste management plan incorporating communal refuse space rather than individual bins and with regular collections.

#### Chief Executive's Recommendation

It is recommended that no variation or modification be made to the proposed development.

### **8.3 Issues raised in relation to Design/Density/Site Location**

- Age friendly housing and previous infill housing development in locality - other areas proposed as more suitable for such development given the many local green sites.
- Existing homes will be overlooked and the development does not comply with requirement that "new residential development that would adjoin, existing one and/or two story housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved" given the distance of less than 22m from existing homes.
- Insufficient distance from upstairs windows in 25–29 Pearse Brothers Park and the first-floor windows of the proposed apartments
- Contravenes Development Plan Objectives H3.3 'To support community led housing developments for older people in established areas on lands designated with Zoning Objective "OS" (To preserve and provide for open space and recreational amenities), where the quality and quantum of remaining public open space is deemed to be adequate, and the amenities of the area are preserved.
- The site falls under the category of a small park.
- The proposed houses are approximately 80 metres from the nearby telecommunication mast where the minimum separation distance between telecommunications masts and dwelling houses is 100 metres and it is contrary to the precautionary principle to encourage new housing development in such proximity to a telecommunication mast with unlimited planning permission.
- South Dublin County Council is the only Dublin Local Authority where development is open for consideration on open space, contrary to the other three Dublin planning

authorities where such use is not permitted nor open for consideration in open space zoned lands in the three other Dublin city and county development plans.

- Data upon which housing need assessment is based relates to the portion of the County south of the Naas Road and not to immediate local housing need.
- Design does not integrate with existing houses.
- Inclusion of enclosed private/semi-public courtyard for residents of the accommodation at the expense of the green space utilised by existing residents inappropriate a redesign utilising existing green space for the benefit of both existing and new residents is proposed. Green space should not be lost for a community room.
- Proposed landscaping of remaining open space does not promote play and design should be reviewed to maximise open space.
- Inconsistencies with site plans in documents provided.
- No reference to accessibility and mobility measures in the design of proposed residential units or associated ancillary amenity areas and public realm.
- Housing proposal is not fit for purpose regarding age friendly design, location, and distance to amenities.

**Response:**

The site for the proposed development is one of many sites considered for the provision of age friendly specific housing and this development is carefully designed as part of the co-ordinated delivery of age friendly housing in the Council's social housing delivery programme.

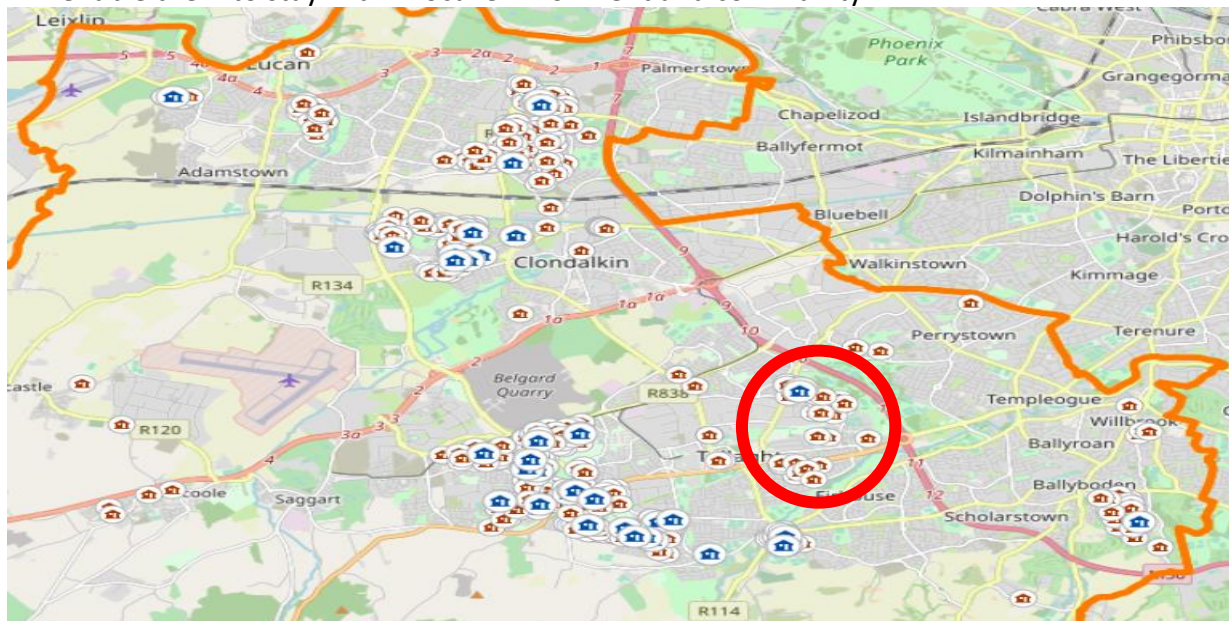
Ireland has a rapidly ageing population and, by 2041, it is projected that there will be 1.4 million people in Ireland over the age of 65 (one of every four people) of which 60,000 will be in South Dublin County. (There were 59,472 residents aged 55 years or older at the 2016 Census) highlighting the growing and future challenges with ensuring the provision of appropriate accommodation and other supports and services for older persons.

In September 2020, the Council approved an Age Friendly County Strategy that recognised the need to provide appropriate housing options to meet the needs of our ageing population and that support older people to live in mixed demographic communities. Under the strategy, the Council further committed to delivering a range of older persons housing developments across the County.

A multi-criteria assessment is carried out when considering a site for development including site size, access, location, ownership, constraints (e.g., overground/underground utilities and services), development potential, proximity to local age friendly and other services, facilities and amenities resulting in the site being deemed suitable for age friendly homes.

In addition, an under-occupancy study of existing Council tenancies in the County has shown more than 1,000 current tenancies comprising solely of single or joint occupiers of three- and four-bedroom homes aged 55 or over, who could be candidates for rightsizing to new and more appropriate age friendly homes (if it is the right option for them) that will enable them to live independently for longer in their own communities with their associated network of support and services. Mapping these tenancies has further informed prospective locations for targeted infill development of age friendly homes within existing communities and our Healthy Homes assessment programme in conjunction with Age Friendly Ireland will help these tenants to

explore rightsizing options, if they wish to, in conjunction with other supports. It is likely that such underoccupancy is replicated in existing private homes in the County and up to 10% of homes in new age friendly housing developments can be allocated to such private rightsizing applicants under the Community List (Financial Contribution Scheme) in the Council's Policy for Rightsizing and Allocation of Age Friendly Accommodation. This proposed development is designed as step-down accommodation for local older people currently living in the area, that will enable them to stay within local environment and community.



**Mapping of cluster of underoccupied tenancies in proximity to proposed Part 8 site**

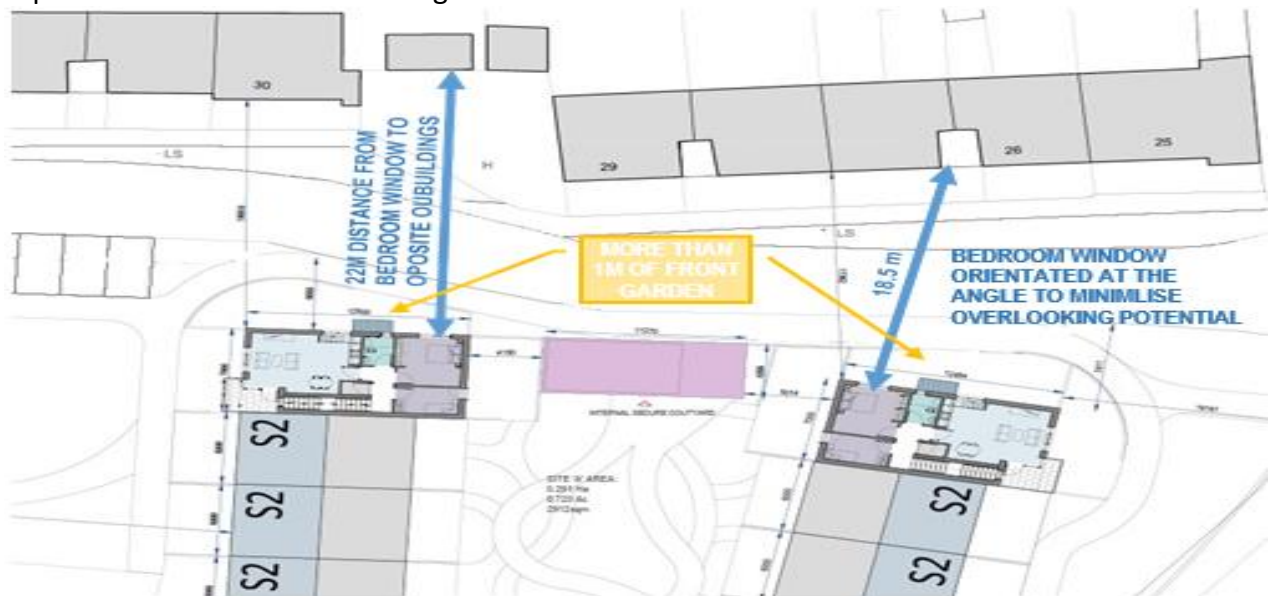
Furthermore, there are currently almost approximately 900 applications on the Council's housing list, comprising solely of single or joint applicants aged 55 or over requiring accommodation in the County.

The proposal provides for a courtyard-type development within its confines that is designed to support independent living for older persons while encouraging communal interaction through secure, shared space. The courtyard merely utilises the space that would have ordinarily been provided for individual rear gardens for each home in a shared fashion for the residents as the design seeks to establish a "village" model with a 1 and 2 -storey terraced units grouped around a central courtyard. That space creates a shared rear garden for the residents, with small private patios adjoining. This approach to the design offers secure, sheltered environment to residents while also providing further passive surveillance to the adjacent open space enhancing its amenity potential. A standard layout of houses with longer back-gardens, would use up much more of the open space than the efficient courtyard arrangement proposed. The courtyard type design with shared garden space allows to utilize to maximum potential an existing open to benefit of new and existing residents.

Alternative locations for development as proposed in some submissions may be assessed and considered for separate planning consent applications given the prevailing and projected need for age friendly accommodation in the County and, if appropriate, may be the subject of separate, future Part 8 processes. The potential to redesign the development within the subject site was explored but was not considered appropriate given the committed principles of best practice in age friendly housing design and the integrity of the policy commitments to deliver

appropriate age friendly housing developments.

Proposing developments in areas near existing houses can present issues with real or perceived reduction of or effect on privacy. The design has carefully considered existing homes. The only two 2-storey units within development are keeping in scale with the existing housing, are orientated towards the road and are located sufficient distance from adjacent homes to the south and north properties to minimise overlooking issues. The single and two storey units are configured so only blank gables are facing no. 2 Glenmore Park and with the retention of the existing boundary and the section of existing mature trees there is no potential for overlooking or loss of privacy for this property. The layout of units facing the road are also designed to minimise the potential for overlooking. The urban setting of the street scape allows for the 22m distance as the units (bedroom windows) are not directly opposing adjacent properties (as demonstrated in the figure below. This complies with the County Development Plan 2016-2022 section 11.3.1 residential (v) - "Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy. Dwellings with direct street frontage should generally include a privacy strip of at least 1 metre or a front garden".



**Distances between streetscape properties**

As the units are maximum two-storeys in height, the 35m distance requirement for adjoining properties does not apply (County Development Plan 2016-2022 section 11.2.7 Building Height – "The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or bedroom window orientated at the angle to minimise overlooking potential more than 1m of front garden sides on to or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved."). the Council's 3D software shadow analyses determined that no overshadowing will be caused by the proposed development in respect of existing properties to the north.

The two-storey apartment buildings will not be elevated higher than existing 2 storey houses as the access / entrance to these units is from the existing road and existing levels will be maintained. The one-storey houses will be stepped within to maintain natural site gradient where possible as shown on 3D view end elevation drawing below.



**3D View from Open Space towards Development**



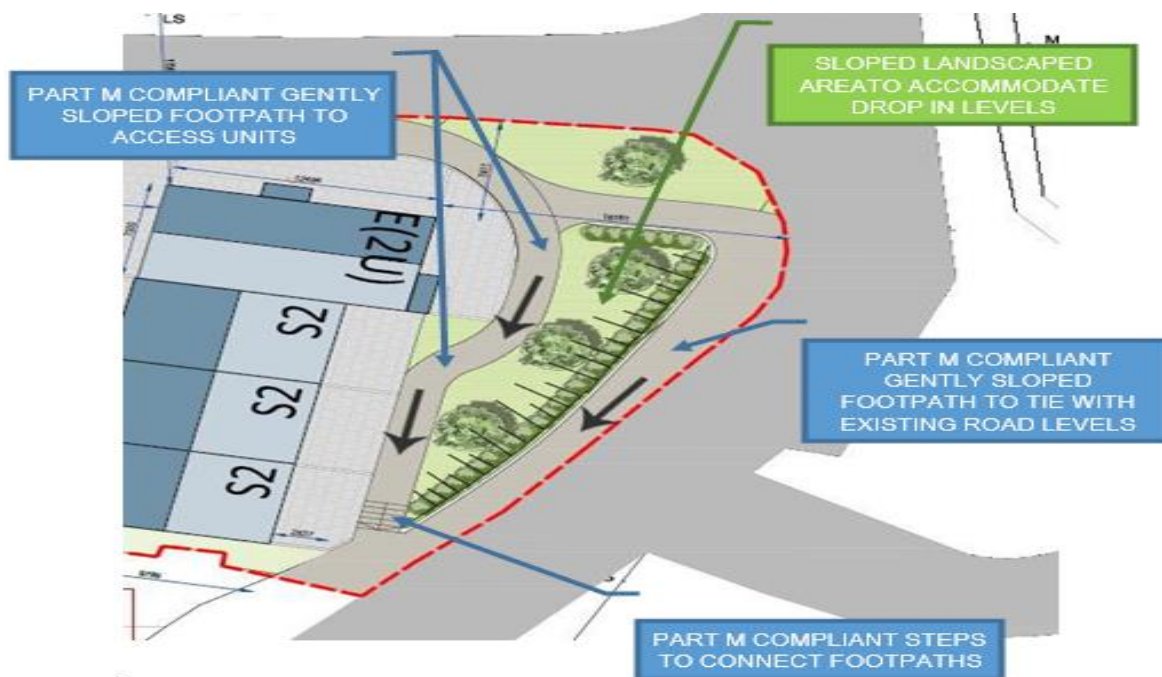
## **ELEVATION (EAST)**

The proposal for housing has been considered as part of an established neighbourhood with community facilities. The proposal for housing is supported by readily available access to extensive parkland (Marley Park, St Enda’s Park etc.) within few minutes’ walk as well as additional green space and a golf course.

The site of the proposed development is open space and is designated with Zoning Objective “OS” (to preserve and provide for open space and recreational amenities) in the South Dublin County Development Plan 2016-2022 – the development of housing is open for consideration under this zoning. In addition, it is a stated objective of the County Development Plan in relation to the supply of housing to support community led housing developments for older people in established areas on lands where the quality and quantum of remaining public open space is deemed to be adequate, and the amenities of the area are preserved (H3 Objective 3). The request to incorporate play areas in the landscape design of remaining open space is noted. It is proposed to provide this open space with usable activity areas to include for paved walking paths with benches and green areas for other activities like informal landscaped areas for children to play. A more detail landscape proposal will be developed by Landscape Architect at the detail design stage of the project in consultation with SDCC Public Realm

department. The small community room proposed will facilitate interaction and social activity between the older residents to avoid isolation of residents. The project was developed with older, less mobile people in mind and in consultation with Age Friendly Ireland. The units, access and environment around, them was designed in fully compliance with Part M Technical Guidance Documents. Part M (2010) of the Building Regulations requires that adequate provision be made for people to access and use a building, its facilities, and its environs.

At the detail design stage of the project will be further assessed by a Part M specialist consultant and full Disable Access Certification will be obtained. The supporting technology included in the units will be aimed to provide security and comfort recognising the age profile and requirements for monitoring / call assistance, perceivable security. The steps proposed of the southern end of the footway are an alternative pedestrian route option in addition to gently sloped loop footpath that they connect. This design is a response to challenging site conditions with contours and approximately one metre drop in levels) and to accommodate natural gradient of the site and yet to still provide accessible, fully Part M compliant approach and access to the buildings (refer to diagram below).



**Mobility compliant footpaths and step arrangements**

A preliminary service analysis of the site was conducted and service providers did not make any observation or recommendation at preliminary analysis consultation as to the constraints or proximity to the mast and the proposed housing is considered sufficient distance from the telecommunication mast, particularly in the context of the lesser distance between existing properties and the mast.

Chief Executive’s Recommendation:

It is recommended that no variation or modification be made to the proposed development.

**8.4 Statutory Bodies Submissions**

A number of Submissions were received from various statutory bodies as follows:

- **Inland Fisheries Ireland:** recommend a revised surface water layout for the operation of

the development incorporating soft engineering options such as swales or bio-retention areas rather than the hard-underground attenuation proposed.

- **Geological Survey Ireland:** No specific comment or observations made.
- **Department of Environment (Waste Policy & Resource Efficiency):** Required consultation with the Regional Waste Management Planning Office regarding the proposed development of the final plans.
- **Irish Water:** Request SDCC to engage with Irish Water through the Pre-Connection Enquiry (PCE) process in order to assess feasibility of connection to the public water/wastewater infrastructure.

**Response:**

The statutory bodies' submissions are noted and their recommendations and requested will be implemented as appropriate in the detailed design stage of development but, due to the small scale of the development, the possibility of implementation of soft engineering options such as swales or bio-retention areas are limited.

The project delivery and construction will be in line with Construction Environmental Management Plan (CEMP) and the Council will consult with the Regional Waste Management Planning Office regarding the proposed development on ongoing basis, during detailed design and construction stages of the project. The Council will also engage with Irish Water through the Pre-Connection Enquiry (PCE) process and further as necessary.

Chief Executive's Recommendation:

It is recommended that no variation or modification be made to the proposed development and that recommendations proposed by statutory bodies as appropriate be implemented at the detailed design stage.

**8.5 Issues raised in relation to the consultation period and associated process.**

- No direct communication from the Council to local residents on the development.
- No site notice observed.
- "Private" consultation between Councillors and Council officials in contravention of the statutory Part 8 process.
- Google maps used instead an official OSI map to produce drawings.

**Response:**

Site notices were erected on 27th May 2021 in locations as per the displayed location plan with photographic records/ inspections of the site notice display recorded by the Council (see images below).





Photographs of site notices erected on 27<sup>th</sup> May 2021 in situ

Part 8 of the Planning and Development Regulations 2001 (as amended) sets 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 27<sup>th</sup> May 2021 to 9<sup>th</sup> July 2021 inclusive which provided a six-week period in total for observations and submissions to be made on this proposed development. The consultation period and process has been followed in accordance with legislation and in full compliance with the Planning and Development Act 2000 and Planning and Development Regulations 2001 (as amended). This Council's Consultation Portal, where the full plans were published, was open throughout the consultation period to allow for electronic submissions and observations. The Council held an online briefing and consultation meeting on 30<sup>th</sup> June 2021 for residents' representatives and local Councillors - such meetings are neither prescribed nor prohibited under the relevant legislation but do provide an opportunity for communication, engagement and feedback. The issues and observations raised at this meeting have been reviewed and considered, with responses to matters raised included within this report.

Current OSI maps (OSI Map Sheet Ref. No. 3391-18) have been used to provide all required Part 8 documentation and drawings which have been complemented by the use of Google Maps for illustrative purposes only.

Chief Executive's Recommendation:

It is recommended that no variation or modification be made to the proposed development.

**8.6 Issues raised in relation to site investigations /project scoping:**

- Lack of an arborist report and tree survey accompanying the Part 8 application
- Lack of evidence that bat survey was carried out.

**Response:**

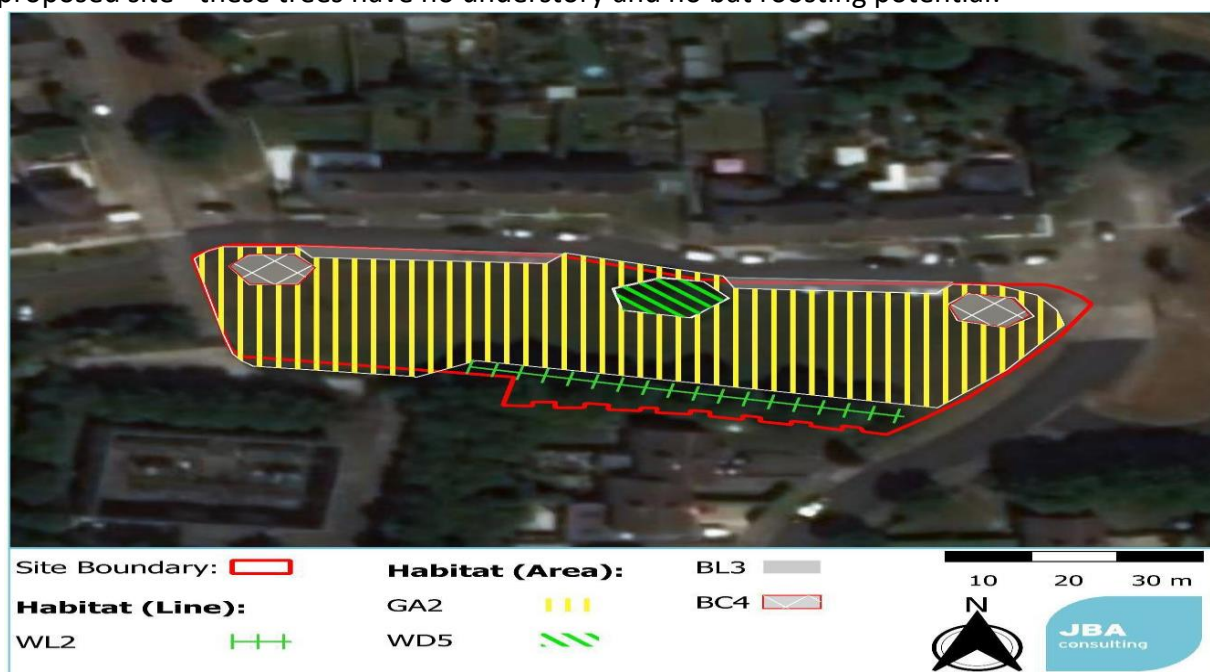
If the proposal is approved, a study will be completed by an arborist to establish the condition and potential impact on adjacent trees at the detailed design stage.

As referenced earlier, a Screening for Appropriate Assessment was carried out by consultants on behalf of the Council which advised as follows in relation to bat roosting potential:

**WL2** (see figure below) - A treeline runs along the southern border of the site and includes

includes mature Ivy *Hedera helix* covered Hazel *Corylus avellana*, Beech *Fagus sylvatica* and Lime *Tilia × europaea* that are of low to moderate bat roost potential. Juvenile and newly planted Willow *Salix caprea*, Ash *Fraxinus excelsior*, Silver Birch *Betula pendula* and Elder *Sambucus nigra* were recorded and the understory consists of Cleaver *Galium aparine*, Nettle *Urtica dioica*, Dock *Rumex* spp, Hogweed *Heracleum sphondylium*, Bramble *Rubus fruticosus* and different Vetches *Vicia* – no qualifying interests of any identified Natura 2000 sites were recorded and the removal of any tree with low to moderate bat roosting potential is not considered an impact of significance.

**WD5** (see figure below)-A small area of scattered immature trees is present in the centre of the proposed site - these trees have no understory and no bat roosting potential.



HABITAT Map (ESRI – Satellite 2021) (extract from Appropriate Assessment Screening)

**Chief Executive’s Recommendation:**

It is recommended that no variation or modification be made to the proposed development.

**8.7 Non-Planning Issues Raised during Submissions**

- Expressions of interest from persons interested in right-sizing into the housing development.
- New homes will not be allocated only to older persons, with resulting potential for anti-social behaviour.
- Upset at request from the Council for local residents to remove two wooden posts on site that were provided by Ballyboden Tidy Towns with Council funding.

**Response:**

The issues raised, while outside of the scope of the planning application, are noted, particularly the welcome expressions of interest in the proposed housing scheme.

The new homes, if approved, will be allocated only in accordance with the Council’s recently adopted Policy for Rightsizing and Allocation of Age Friendly accommodation. This provides for

allocation to persons aged 55+ only, from the housing list, existing social housing tenants transferring on “rightsizing” grounds (particularly from or with connections to the local area) or from the Community List (whereby a financial contribution is paid by former private homeowners who “rightsized” into age friendly accommodation). Our estate management team will work closely with residents to ensure that they meet their responsibilities as Council tenants as well as working with the local community to address any future, wider anti-social behaviour issues in the area.

Technology provision in the new homes will provide security and comfort appropriate to the residents’ age profile, with recognition of the age profile including monitoring / call assistance, perceivable security assurance, closeness to facilities/transport and low running costs for energy.

The passive surveillance of the remaining green area will be improved by this development and planned enhancement landscape strategy (as outlined earlier in this report). The new development dwellings orientated to the west will overlook the space directly, providing a passive surveillance to public open space.

The Public Realm Department are currently liaising with the Ballyboden Tidy Towns Committee regarding the removal of four wooden “insect” posts due to safety and public liability concerns and as this matter is a non-planning related issue currently under review by another Department of the Council, it would not be appropriate to comment further.

#### Chief Executive’s Recommendation

These issues are outside of the scope of the planning proposal and do not impact consideration of the proposal.

### **9. Recommendation**

Following detailed consideration of the issues outlined and noting the view of that the issues raised in submissions will be satisfactorily addressed as outlined in the foregoing report with no variation or modification of the proposal recommended, 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:

“That this Council approves the proposed social housing development of twelve homes for older persons at Pearse Brothers’ Park, Dublin 16., it being in accordance with the proper planning and sustainable development of the area.”