



An
Bord
Pleanála

Inspector's Report

ABP-314192-22

Development	Demolition of Leabeg, house and associated buildings, demolition of buildings on the Priory site (Priory building not affected) and construction of 10 houses etc.
Location	Combined sites of 'The Priory' and 'Leabeg', Kiltipper Road, Old Bawn, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0290
Applicant(s)	Peter McVerry Trust.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Kiltipper, Kiltalown Residents Association.
Observer(s)	None.

Date of Site Inspection

8th of February 2023.

Inspector

Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is situated on Kiltipper Road, in the area of Old Bawn, c3.7km west of the M50 at Junction 12 (Firhouse) and c45m east of its junction with Ballymana Lane. Kiltipper Road connects the R113 Old Bawn Road to the east with the N81 (via Kiltalown Lane) to the west.
- 1.2. The site, with a stated area of 0.58ha, encompasses two residential properties, known as the 'Priory' and 'Leabeg'. Each property contains a single storey detached house and associated outbuildings and is served by a septic tank. Both dwellings are set back (c20m) from the road and benefit from large mature gardens. The Priory currently operates as a hostel, the use of which is the subject of a separate Section 5 referral (ABP-315535-23); Leabeg is vacant.
- 1.3. Existing development in the vicinity of the site comprises medium density residential to the north and east while lands to the south and west are more rural in character. The site is bounded by the residential development of Elder Heath to the north, backing directly onto an area of public open space. Neighbouring development to the east and west comprises one-off detached housing. Lands to the south of the site are being developed for use as a public park with associated parking.
- 1.4. The lands slope gradually downwards in a northerly direction. An ESB 220Kv power line runs in a west-east direction to the rear of the site. The northern section of the site is shown on the plans submitted to be within the 30m exclusion zone of the power line. The lands slope gradually downwards in a northerly direction.

2.0 Proposed Development

- 2.1. The development as it was originally presented to the planning authority comprised:
 - The demolition of Leabeg, an existing single storey detached dwelling with single storey extensions to the rear, and its associated structures comprising single storey rear ancillary shed, boiler house shelter along with the removal of septic tank;

- The existing the Priory building not affected by this application, as per previously granted planning permission SD15/0202.
- The demolition of ancillary buildings on the Priory site, including the single storey detached rear building, gas boiler enclosure, boundary palisade/timber fences that connect both sites and the removal of septic tank;
- The construction of 10 one-bedroom, single storey houses in three blocks consisting of:
 - Block A (Gross floor area: 204sq.m), Unit No.1, Unit No.2, Unit No.3, Unit No.4.
 - Block B (Gross floor area 205sq.m), Unit No.5, Unit No.6, Unit No.7, Unit No.8.
 - Block C (Gross floor area 104sq.m), Unit No.9, Unit No.10;
- The demolition of existing boundary fence and entrance walls along Kiltipper road to both properties.
- The establishment of a new site entrance with new boundary fences, piers and automatic gates; new pedestrian entrance route with a proposed pathway from entrance to the housing units; construct a new boundary with automatic gates to the current Leabeg site entrance.
- The provision for 10 car parking spaces, 2 disabled car parking spaces and 2 electric car charging ports;
- A new connected driveway layout, new bicycle stands, new enclosed bin stores, new landscaped gardens, and paving areas, covered pergola areas and all ancillary site development works and site services.

2.2. The proposed scheme was amended by way of significant further information received by the planning authority on 2nd of June 2022. The revised scheme includes the following amendments:

- Leabeg (house) is to be retained and subdivided / converted into two one-bedroom units. These two units are proposed in lieu of previously proposed Block C (Gross floor area 104sq.m), Unit No.9, Unit No.10;
- The number of new build units is reduced from 10 to 8 consisting of Blocks A and B as previously proposed.
- A new entrance facilitating access to and egress from the site.
- The roadside boundary set back 3m from the road edge.

2.3. Table 2.1 below provides a schedule of the key development details and statistics for the proposed development as amended.

Table 2.1 – Key Development Details		
Site Area	Total	0.58ha
	Leabeg	c0.21ha
	The Priory	c0.37ha
Existing Development	Leabeg	Detached single storey dwelling of
	The Priory	
No. of Residential units	Existing	2 Including The Priory which is in use as a hostel
	Proposed	8 (new) with an additional 2 units provided through the subdivision of Leabeg
Housing Mix / unit size	10no one-bedroom units ranging in size from 51 to 73.7sqm	
No. of persons accommodated	20 (2 per unit)	
Floor Area	Total	741.07sqm

	The Priory	206sqm (hostel)
	Leabeg	126.07sqm (2 units)
	New Build	409sqm (8units)
Car Parking	14no. car parking spaces, including 2 disabled car parking spaces and 2 electric car charging ports	
Bicycle Parking	12 (reduced from 24)	
Density	C19units / ha (including the Priory as a single unit)	

2.4. The application includes:

- An Arboricultural Impact assessment
- A Bat Assessment
- Flood Risk Assessment
- Architectural Design Statement.
- A Traffic Survey.

3.0 Planning Authority Decision

3.1. Decision

South Dublin County Council did by order dated 29th June 2022 decide to grant permission for the proposed development subject to 14no conditions. The following conditions are of note:

Condition 2 Requires agreement on the final layout of a pedestrian footpath which is to be provided to the front of the site, connecting to the existing pedestrian crossing to the east of the site.

Condition 3 Relates to the use and management of the proposed independent living units

3.2. Planning Authority Reports

3.2.1. Planning Reports

16th December 2021

- The initial report of the case planner has regard to the locational context of the site, relevant planning policy and the third-party submissions and interdepartmental reports received.
- The case planner has regard to the zoning of the site and its location within a transitional area and considers visual impact, density and impact on infrastructure and services (including the road network) to be key factors in the consideration of the development.
- Following assessment, the case planner is satisfied that the proposed development adheres to the zoning on the site (as per South Dublin County Development Plan 2016-2022); however, issues raised in the assessment result in a request for further information.
- Issues raised in the further information request include: the proposed access arrangements; the provision of pedestrian facilities; bin storage; surface water attenuation; compliance with the Bat Assessment Report; the removal of mature trees and its impact the landscape character at this site; private open space provision; justification for the demolition of Leabeg. Third party concerns in relation to the use of The Priory

29th June 2022

- The second report of the case planner considers the further information received on the 2nd of June 2022 along with the interdepartmental reports received.
- Following assessment, the case planner is satisfied that the applicant has provided satisfactory responses to a number of items listed in the request for further information. On the issue of pedestrian movement and access, the Planning Authority is not satisfied that the proposed reservation of land for a pedestrian footpath is acceptable, and prior to occupation of the unit, full

pedestrian connection to recently delivered pedestrian facilities to the east are required.

- The report concludes that subject to conditions, the proposed development would not be injurious to the residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area
- A grant of permission subject to 14no conditions is recommended.

3.2.2. Other Technical Reports

Water Services:

29/11/2021	Surface Water:	Requests Additional Information.
	Flood Risk:	No objection, subject to conditions.

24/06/2022		No objection subject to conditions
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<u>EHO:(18/11/2021)</u>		No objection subject to conditions relating to noise and air quality during construction
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<u>Public Realm</u>		No objection, subject to conditions.
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Roads:

19/11/2021		Requests additional information on issues including the rationale for three vehicular entrances and the provision of a footpath along road frontage
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23/06/2022		No objection subject to conditions
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3.3. Prescribed Bodies

<u>Irish Water</u> (30/11/202)		Requests Additional Information.
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3.4. Third Party Observations

- 3.4.1. The planning authority received a number of submissions during the course of their determination of this application. The issues raised in these submissions can be summarised as follows:

- The public road serving the site is substandard and dangerous and would be expensive to upgrade. Access should be provided via Elder Heath
- Concerns raised in relation to the additional traffic generated by the proposed development, the provision of sightlines at the entrances, and lack of pedestrian facilities in the area.
- A number of concerns were raised in relation to the use of the 'Priory' as a hostel.
- Alleged misbehaviour of hostel users should be reviewed prior to new building works taking place. Possible increase in anti-social behaviour and threat to security from outsiders using the recreational area.
- Concerns were raised in relation to the large concentration of sheltered accommodation and social housing already in the area. Other areas of South Dublin County should take a more equitable share.
- Building of 10 houses on such a small site would be extremely unfair to the local farming community, where permission for housing has been denied.

4.0 Planning History

ABP-315535-23	Current Section 5 Referral. The question asked is whether change of use from dwelling to homeless hostel accommodation is or is not development or is or is not exempted development.
SD15B/02/02	(re The Priory) Permission granted (2015) for retention of projecting gables to front elevation, side gable exit door, ramp and handrails, rear boiler house

5.0 Policy Context

5.1. Development Plan

The application was assessed by South Dublin County Council in accordance with the policies and objectives of the South Dublin County Development Plan 2016-2022. The South Dublin County Development Plan 2022-2028 was adopted by

South Dublin County Council on 22nd June 2022 and came into effect on 3rd August 2022. For clarity, I have assessed the proposal under the provisions of the operative Development Plan, namely the South Dublin County Development Plan 2022 – 2028.

5.2. **South Dublin County Development Plan 2022 – 2028.**

5.2.1. Zoning: The appeal site is now zoned Existing Residential (RES), in its entirety. The objective for this area is to protect and/or improve residential amenity.

5.3. **Chapter 6 Housing**

H1 Objective 3: To ensure that adequate and appropriate housing is available to meet the needs of people of all incomes and needs including traveller households, older persons, people with disabilities, and the homeless, through an appropriate mix of unit types and tenures provided in appropriate locations and in a manner appropriate to their specific needs

H1 Objective 4: To recognise the urgent need for the increased provision of social and affordable housing to ensure that all residents in South Dublin County have access to a home. Such provision shall be made through working with approved housing bodies and co-operatives to provide for social and genuinely affordable housing accommodation to meet housing needs. This shall be carried out through a range of delivery mechanisms including new builds, acquisitions, renovations and acquisitions of vacant homes, cost rental leasing, and housing supports including RAS and HAP or any other mechanism promoted under Government Housing Policy, with priority given to new builds and renovations whenever available.

H1 Objective 16: To support the provision of homeless accommodation and / or support services which is inclusive and treats all persons with dignity and respect in a balanced way located throughout the County and not concentrated in any particular areas and to

incorporate consultation with other homeless support services in supporting this service.

H3 Objective 7: To ensure that those with specific housing needs, such as older persons, persons with disabilities, homeless persons, Travellers and people leaving Direct Provision, are accommodated in a manner appropriate to their specific needs and in a timely fashion.

H5 Objective 1: To facilitate and support relevant agencies in the development of emergency accommodation that is socially inclusive, including hostels for homeless individuals of all genders and families, in a balanced way located throughout the County so as to avoid an over-concentration in any particular area.

5.4. Natural Heritage Designations

The subject site is not located on or within proximity to a designated site. Designated sites in the wider area include: the Glenasmole Valley SAC and pNHA (Site Code 001209) c.1.2km to the south of the site; The Wicklow Mountains SAC (Site Code 002122) is located c.3.5km to the south; the Wicklow Mountain SPA (Site Code 004040) c.6km to the southeast. The Dodder Valley and Lugmore Glen pNHAs are also located within a 2km radius of the site.

5.5. EIA Screening

5.5.1. Having regard to the scale of the proposed development comprising only 10 no. houses and the location of the site outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal lodged on behalf of The Kiltipper / Kiltalown Residents Association against the decision of South Dublin County Council to grant permission for development at the combined sites of 'The Priory' and 'Leabeg', Kiltipper Road, Old Bawn, Dublin 24

- The proposed development, which creates an expanded homeless accommodation facility containing a hostel building and 10no. individual accommodation units, is inappropriate for this poorly serviced location
- The site is remote from shop and services, is poorly served by public transport and pedestrian infrastructure.
- The development of such accommodation in poorly serviced areas will not protect and /or improve existing residential amenity as required by the RES zoning objective for the area
- As an expansion of the established hostel facility on site, it represents an unacceptable over-concentration of homeless accommodation at this location, contrary to CDP Policy HS Objective 1
- The existing hostel use on site has never received planning permission, and it remains unclear as to whether the existing occupation and use of 'the Priory' is planning compliant
- Insufficient detail has been provided regarding the operation and management of the expanded facility, leaving a number of important planning considerations unaddressed
- There are clear pedestrian and traffic safety shortcomings with the proposed development

6.2. Applicant Response

- None received

6.3. **Planning Authority Response**

- The planning authority confirms its decision and states that the issues raised in the appeal have been covered in the planner's report.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. Having examined the application details and all other documentation on file, and having inspected the site, I consider the main issues are those raised in the grounds of appeal. As the South Dublin County Development Plan 2022-2028 was adopted following the lodgement of this appeal, the principle of development in terms of compliance with zoning objectives is also relevant. Appropriate assessment also merits consideration.

7.1.2. The main issues for consideration can be addressed under the following headings:

- Principle of Development and Compliance with Zoning Objective
- 'The Priory' and its Use as a Hostel
- Location, Nature and Extent of the Development Proposed
- Traffic and Pedestrian Safety
- Appropriate Assessment

7.1.3. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise.

7.2. **Principle of Development and Compliance with the Zoning Objective**

7.2.1. The appeal site comprises two residential properties known as 'The Priory' and 'Leabeg'. The Priory is currently in use as a hostel while 'Leabeg' is vacant. The proposed scheme (as amended) would see the two residential sites combined and developed for social housing. As per the amended scheme, the dwelling 'Leabeg' is to be converted in two one-bedroom units. A further eight single storey units, arranged in two blocks of four, are to be constructed within the rear curtilage of both

properties. 'The Priory' building and its use as a 'hostel' is not affected by this application.

7.2.2. The appeal site is located within the RES (Existing Residential) zone as designated in the South Dublin County Development Plan 2022-2028 (SDCDP). The objective for this area is to protect and/or improve residential amenity. Residential is listed as a use that is permitted in principle within this zone. The proposed development of ten residential units would therefore accord in principle with the zoning objective.

7.2.3. In relation to residential amenity. The appeal site is bordered to the west and east by detached single storey dwellings and backs onto an area of public open space serving the residential development of Elder Heath. Following consideration of the plans and particulars submitted in support of the application and having inspected the site, I am satisfied that the development of this site as proposed would not have a significant negative impact on the residential amenities of adjoining properties. In addition, I am satisfied that the proposed scheme would provide a sufficiently high standard living environment for future occupants.

7.2.4. Private amenity space, in the form of an open terraced area, is proposed to the rear of each housing unit. These areas range in size from c5sqm to 12.5sqm and fall below the minimum standard of 48sqm for 1-bedroom units as set out in the SDCDP. A reduction in the standard for private amenity space may I consider, be justifiable in this instance, having regard to the nature of the proposed residential development (i.e., a social housing scheme managed by an approved housing body), the quantum and quality of communal / semi-private open space proposed within the scheme and the proximity of the site to a public park. However, on this issue, I agree with the planning authority regarding the need to limit the use of the proposed units as 'independent living units' that are managed by an approved housing body (or similar). I refer the Board to Condition 3 of the planning authorities grant of permission and recommend that a similar condition be attached in the event of a grant of permission

7.2.5. Considering the above, I am satisfied that the proposed residential scheme would accord with the zoning objective for the area.

7.3. 'The Priory' and its Use as a Hostel

- 7.3.1. In relation to 'The Priory', the appellants contend that planning permission was never secured for the change of use of the premises from residential to hostel. They consider the proposed residential scheme an expansion of the existing hostel accommodation and therefore query whether the proposed development represents an intensification of an unauthorised use. Concerns have also been raised regarding the lack of information provided on the management and operation of the expanded homeless accommodation.
- 7.3.2. The use of 'The Priory' as a hostel and the planning status of same was raised by the planning authority during their determination of the application. The applicants, in response to a request for further information on the issue, stated that they were currently reviewing the occupancy of 'The Priory' in line with the exempted development provisions set out in the Planning and Development Regulations 2001, as amended, referencing Class 14(f) of Part 1, Schedule 2. Class 14(f) provides an exemption for the change of use of a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons. It is noted that a Section 5 referral on the use of The Priory as a hostel, was lodged with the Board on the 11th of January 2023 (ABP-315535-23 relates). A decision is awaited.
- 7.3.3. While some doubt remains regarding the planning status of the use of 'The Priory' as a hostel, this would not, in my opinion, preclude the Board from considering the on its own merits. Furthermore, I note that this planning application relates solely to the development sought and that any unauthorised activity that may exist, is a matter for the relevant planning authority. The Board has no role in, or powers of, enforcement.

The Management and operation

- 7.3.4. On the issue of the management and operation of the expanded homeless accommodation on site, I note that as per details submitted in support of the application, the end users of the proposed residential units are 'self-sustaining'. The

management and operation of the hostel is I consider a separate issue that is not relevant to the assessment of this application.

7.4. Location, Nature and Extent of the Development Proposed

- 7.4.1. The appellants have raised concerns in relation to the location, nature, and extent of the proposed development which they consider would, in conjunction with the existing hostel accommodation on site and an existing HSE facility further west along Kiltipper Road, result in an over concentration of shelter housing / care facilities in a poorly serviced area.
- 7.4.2. In light of the above concerns, regard is had to the provisions of the South Dublin County Development Plan namely Policy H1 Objective 3 which seeks to ensure that adequate and appropriate housing is available to meet the needs of people of all incomes and needs through an appropriate mix of unit types and tenures provided in appropriate locations and in a manner appropriate to their specific needs and Policy H1 Objective 16 which seeks to support the provision of homeless accommodation and / or support services in a balanced way, not concentrated in any particular area.
- 7.4.3. The proposed development site is located on the southern fringes of the built-up area of Tallaght. Development in the vicinity of the site is predominantly residential with residential estates to the north and east, and one-off housing to the west. While the area offers a mix of housing type and tenure, there does appear to be a prevalence of privately owned, two-storey semi-detached houses within the vicinity of the site, particularly in the nearby residential schemes of Elder Heath and Ellensborough.
- 7.4.4. The proposed scheme, comprising ten, single storey, one-bedroom units, would I consider, provide for an alternative housing typology that would add to the mix of housing in the area. Furthermore, the nature of the proposed development, as a social housing scheme that is managed by an approved housing body, would provide an alternative form of housing tenure that would deliver necessary accommodation for persons with a specified housing need. While I note the existing hostel accommodation on site and the presence of a HSE facility in the area, I do not

consider that this small-scale residential scheme would lead to an over concentration of homeless / care facilities in this area.

- 7.4.5. In terms of access to local services and facilities. The area is, I consider, adequately served in terms of social/recreational amenity. The proposed development is located on lands directly opposite a new public park and in proximity to number of sporting clubs and facilities, including the Tallaght Town AFC, Thomas Davis GAA Club and the Glenville Pitch and Putt Club.
- 7.4.6. The local centre, Marsfield Mall, is located within walking distance from the site (c0.8km); this centre offers a mix of commercial and retail services. While not all services are available within the centre / immediate area, it is noted from the details submitted in support of the application, that the applicants currently operate a private bus service from the site which links occupants to essential services not directly accessible in the Kiltipper area. This service is to be expanded to serve the proposed residential units.
- 7.4.7. Overall, I am satisfied that this small-scale residential scheme can be adequately accommodated at this location and that the proposed development would accord with the provisions of the SDCDP 2022-2028.
- 7.4.8. The lack of pedestrian facilities serving the site is noted and is considered separately in this report.

7.5. Traffic and Pedestrian Safety

- 7.5.1. The appeal site is located on Kiltipper Road which connects the R113 Old Bawn Road to the east with the N81 (via Kilalown Lane) to the west. Kiltipper road at the location of the proposed development site, has a speed limit of 60km/h. A speed ramp is located to the west of the entrance to 'Leabeg'. It is noted from the planning authority reports on file, that Kiltipper Road is currently being upgraded and is to accommodate buses. Details of the upgrade works have not been provided.

- 7.5.2. The appeal site is currently served by two entrances off Kiltipper Road, the entrance serving 'The Priory' to the southwest and the entrance serving 'Leabeg' to the southeast. Sightline distances at both existing entrances are restricted due to roadside vegetation and curvature of the road.
- 7.5.3. The scheme as originally presented to the planning authority included for the retention of the two existing entrances and the provision of a third. The existing vehicular access to 'Leabeg' and the proposed new vehicular access were designed as an in and out one-way access system. The Priory entrance was retained for emergency / maintenance purposes. The planning authority in their assessment raised concerns regarding the multiplicity of entrances and the provision of adequate sightline distances.
- 7.5.4. The scheme was revised at further information stage. The amended scheme, as detailed on *Drawing No. 555-MCE – XX-XX-DR-C-0004 PL4, New entrance / Exit Stopping Sight Distance*, submitted to the PA on 22nd of June 2022, includes for the closure of both existing entrances and the provision of a new single entrance, located centrally along the roadside boundary to maximise the possible stopping sight distance (SSD) in both directions along the Kiltipper Road.
- 7.5.5. The details submitted by the applicant on the 2nd of June 2022 indicate that the maximum stopping sight distances (SSD) for cars exiting the site is 52.2m to the southwest and 56.7m to the southeast. The SSD's available would therefore fall below the standard set out in DMURS which requires SSD of 65m on roads with a design speed of 60km/h and on a bus route.
- 7.5.6. To determine the actual design speed of the road (as opposed to the speed limit), the applicants commissioned a traffic survey of the Kiltipper Road which was carried out by Irish Traffic Surveys Limited on the week of the 7th to the 13th of April 2022. The survey found that 85% of vehicles on this section of road travel at an average speed of 39.2 km/h. When applied to the standards set out in DMURS, roads with a design speed of 39.2km/h, on a bus route, require SSDs of 36m. The SSDs available at the proposed entrance exceed this standard.

7.5.7. The Road Department of SDCC consider this to be an acceptable relaxation in this case on the grounds that this part of the road is currently being upgraded with works including the addition of traffic calming measures. On this basis and having regard to the nature and limited scale of development proposed, I am satisfied that the proposed access arrangements, including the availability of sightlines from the new entrance onto Kiltipper Road, are satisfactory and will not endanger public safety by reason of traffic hazard. I am also satisfied that the surrounding road network has adequate capacity to accommodate the additional traffic volumes consequent on the proposed development.

Pedestrian facilities

7.5.8. The appeal site is not currently served by pedestrian facilities. The existing footpath on the northern side of the Kiltipper road culminates c90m to the east of the appeal site, close to the entrance to the Elder Heath estate. A pedestrian crossing has been provided at this point, connecting with the existing footpath on the southern side of the road. This footpath extends westward into the public park, connecting with the Kiltipper Road at the vehicular entrance to the park, opposite the entrance to 'The Priory'.

7.5.9. The application does not include proposals to upgrade existing pedestrian facilities in the area, instead the applicants are proposing only to setback the roadside boundary to the front of their site, providing a 3m buffer zone for a future footpath. In accordance with the details submitted by the applicants at FI stage, the proposal to set back the roadside boundary is to facilitate the development and widening of Kiltipper Road. It is the contention of the applicants that the provision of a footpath in advance of the upgrade works would encourage pedestrians to cross the road at unauthorised points, which in their opinion is not advisable.

7.5.10. It is the opinion of the SDCC Road Department that a 2.0m wide footpath along the frontage of the site boundary with Kiltipper Road should be built at the same time as the proposed site development works, as having no footpath would provide a greater risk to pedestrian safety. I would agree with the SDCC's Road Department on this

matter, and I recommend that this be conditioned in the event that planning permission is granted.

- 7.5.11. It is noted that the planning authority in their decision to grant permission, requires not only the delivery of a footpath to the front of the site but also a full footpath connection to the existing pedestrian crossing c90m to the east (Condition 2 relates). However, the third-party appellants have queried whether the footpath provision required by condition 2 is achievable.
- 7.5.12. It would appear from the plans submitted and from site inspection, that the construction of the footpath link would necessitate the setting back of the existing roadside boundary on lands to the immediate east of the appeal site. These lands would appear to be in private ownership, outside the control of the applicant. Therefore, while I would support, in principle, the provision of a footpath linking the appeal site with the existing pedestrian crossing to the east, I am not satisfied based on the information available, that the applicants have sufficient control over the necessary lands to carry out such works.
- 7.5.13. Notwithstanding the above, given the modest scale of the development proposed and, subject to the provision of a new 2m wide footpath along the frontage of the site (as previously recommended), I do not consider that a refusal of permission based on the inadequacy of pedestrian facilities in the area is warranted in this instance.

7.6. **Appropriate Assessment**

- 7.7. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, the availability of public services, and the location of the lands in question relative to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

9.1. Having regard to the location of the site on residentially zoned lands as set out in the South Dublin County Development Plan, 2022-2028, the pattern of development in the vicinity of the site, and the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application and received by the planning authority on the 22nd of October 2022 as amended by the revised plans and particulars received by the Planning Authority on 2nd of June 2022, except as may otherwise be required in order to comply with the following conditions.</p> <p>Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination</p> <p>Reason: In the interest of clarity</p>
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2.	<p>Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority, a revised site layout plan showing the roadside boundary with Kiltipper Road set back to provide a 2.0 metre-wide footpath across the full extent of the roadside frontage. The footpath shall be installed in accordance with the agreed plans, prior to the occupation of the proposed development, unless an alternative timeframe is agreed in writing with the planning authority. All works shall be carried out at the developers own expense.</p> <p>Reason: In the interests of traffic and pedestrian safety</p>
3.	<p>The independent living units shall not be separately sold and the site shall not be subdivided for private use, nor used for a commercial purpose, subject to any future planning permissions. The units and site shall be managed by a registered Approved Housing Body or another Housing Authority as otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>

6.	<p>The landscaping scheme detailed in the plans and particulars lodged with the planning application, and as amended by the further plans and particulars submitted on the 2nd of June 2022, shall be carried out within the first planting season following substantial completion of external construction works. The tree protection measures detailed in the arboricultural assessment lodged with the planning application, including the erection of protective fencing before construction works commence, shall be implemented in full and maintained in place until completion of external construction works, or as otherwise agreed in writing with the planning authority. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity and the proper planning and development of the area.</p>
7.	<p>Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €50,000 with the Planning Authority. The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority. An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any</p>

	<p>remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded 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.</p> <p>Reason: To ensure the protection and appropriate retention of trees in the interest of visual amenity and proper planning and development</p>
8.	<p>All recommendations and proposed mitigation measures proposed within the submitted Bat Assessment Report, as revised by the plans and particulars submitted to the planning authority on the 2nd of June 2022, shall be implemented by the applicant in full. In addition, where required the developer shall apply for, and obtain, a European Protected Species Licence before work commences. In addition, specific native planting design which can provide habitats which support the invertebrate prey of bats and therefore provide foraging opportunities for bat species shall be provided for within the landscape proposal</p> <p>Reason: In the interests of wildlife protection</p>
9.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
10.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health</p>

11.	<p>All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works.</p> <p>Reason: In the interests of traffic, cyclist, and pedestrian safety and to protect residential amenity</p>
13.	<p>Proposals for house naming and a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
14.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management, intended construction practice for the development, including noise management measures and off-site disposal of construction / demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
15.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Lucy Roche
 Planning Inspector

6th March 2023