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**In compliance with the provisions of Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:**

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**Application No:** 4313/22

**Proposal:** LAW: Planning and Development Act 2000 (as amended) Planning and Development Regulations 2001 (as amended) - Part VIII

**Applicant:** DCC Housing & Community Service Dept.

**Location:** Cherry Orchard lands bounded to the North by Cherry Orchard Hospital and to the South by Cherry Orchard Football Club and Cherry Orchard Green, Dublin 10

**Proposal:** LAW: Pursuant to the requirements of the above, notice is hereby given of the proposed construction of a residential development comprising 172 no. dwellings (141 no. 3-bedroom two-storey terraced houses and 31 no. 2-bedroom two-storey terraced houses), 2 public open spaces approx. 0.83 ha /14% of site area, associated site infrastructure works/ supporting infrastructure, landscaping, public lighting, access roads/pavements, boundary treatments and provision for a link road/pavements and cycleways to Ballyfermot as follows:

141 no. 3-bedroom two-storey terraced houses and 31 no. 2-bedroom two-storey terraced houses with 1 no. in-curtilage parking space per house to the front and private gardens to the rear.

Development of a linear public open space on the west end of the lands (along the eastern boundary of Wheatfield Prison) and associated works.

Development of a pocket park and children's playground on the eastern section of the lands

Provision for a link road (to Ballyfermot Road) continuing from and widening the current road frontage to the north of 113-127 and 155-169 Cherry Orchard Green along with associated works, footpaths, cycle paths, public lighting.

172 no. private parking spaces (1 no. in-curtilage parking space per house), 14 no. on-street public car parking spaces on the link road (includes 2 no. accessible parking spaces) and 20 no. public bicycle parking spaces.

New boundary treatments to Cherry Orchard Hospital/ Cloverhill Courthouse, incorporating provision for a future pedestrian entrance to Cherry Orchard Hospital and boundary treatment to Cherry Orchard Football Club.

**Date Lodged:** 27<sup>th</sup> June 2022

## **Zoning & Policy**

### ***Relevant Policy Guidelines***

- Design Manual for Quality Housing, DoHLGH, January 2022
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoHLGH, December 2020
- Urban Development and Building Height Guidelines DoHLGH, December 2020
- Guidelines for Planning Authorities, Sustainable Residential Development in Urban Areas DoHLGH 2009 (updated 2020)
- Best Practice Urban Design Manual, DoEHLG, May 2009 (updated 2020).
- Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities, DoEHLG, 2007 (updated 2021).

### **Park West & Cherry Orchard Local Area Plan 2019**

The site is indicated as Site 1: Elmdale-Hospital Site, in the Park West, Cherry Orchard Local Area Plan with the following Development Objectives:

- Facilitate and support the delivery of a proposed new north–south link street connecting Ballyfermot Road to the Park West train station. This new piece of infrastructure shall include the provision of pedestrian and cycle links to tie in with the surrounding area as part of a wider pedestrian and cycle network. The new link street should also include for the provision of landscaping, tree planting, on street parking, and should seek to incorporate SuDS as appropriate.
- Requirement to relocate Cherry Orchard FC club house to facilitate new road link.
- Identify and safeguard potential opportunities for a controlled pedestrian and cycle access through to Cherry Orchard Hospital as part of the wider pedestrian and cycle network.
- Future development will be required to be appropriately designed and integrated with the existing residential area and neighbouring communities and with existing institutional uses. Site layout and building design will be required to address existing site features and constraints. Scheme layouts will be designed to avoid blank frontages to public areas and to provide active street edges.
- Future development shall maximise opportunities for passive surveillance onto all new streets and onto both existing and new public open space areas.
- Explore the potential for a secondary private vehicular access to the north west of the site to facilitate access to Cloverhill Courthouse, subject to careful detailed design and compatibility with future residential uses

The indicative massing model indicates building heights of up to 4 storeys, while a density of 25-50 units per hectare is envisaged.

### **Dublin City Development Plan 2016 - 2022 Context**

The land is zoned “Z1: *To protect, provide and improve residential amenities.*”

The site is located within Strategic Development and Regeneration Area 4 - Park West/Cherry Orchard. The site is identified for Residential/Enhanced Connectivity.

The main chapters / policies / guidelines of the City Development Plan that are also directly applicable include:

Section 5.5.4 – Quality housing for all Addressing Climate Change (Chapter 3) Policies CC3 (energy efficiency); CC4 (building layout and design); SC13 (Sustainable Densities); SC15 (Green Infrastructure); SC25 (quality architecture); Policies QH1 (Quality Housing); QH2 (population growth); QH4 (Housing by Approved Housing Bodies); QH5 (active land management); QH6 (mixed use sustainable neighbourhoods); QH7 and 8 (appropriate density of development); QH10 (permeable communities); QH11 (safe communities); QH13 (adaptable housing); QH21 (family accommodation); QH22 (existing houses); Policies MT11 and MT12 (permeability of pedestrians and cyclists) and MT17 (sustainable levels of car parking); Policies SI10 (Flood Risk Management); SI18 (use of SUDs measures); Policies SN1 (good urban neighbourhoods); SN2 (developments in character with the area); SN (national level policy documents) SN29 (environments that are accessible to all); SN30 (neighbourhoods that care to the needs of people in all stages of their lifecycle); sections 16.2.1 (design principles); 16.2.2 (design standards); 16.3 (landscaping); 16.3.4 (public open space); 16.4-16.6 (density standards).

### **Site Description**

The site is a greenfield site in Cherry Orchard, positioned to the east of the M50. It is approx. 2km from Ballyfermot Village and 950m from Park West Train Station. The subject site is comprised of grassland and scrub, with some small areas of bare ground. It is bounded to the north by Cherry Orchard Hospital, to the west by Wheatfield Prison, to the east by Cherry Orchard Football Club and to the south by the Elmdale residential development.

Access is from the south east, via Cherry Orchard Green.

The nearest RMP recorded monument to the site in question consists of burial grounds (RMP DU017-083), c. 950m to the south.

### **Relevant Site History**

None on the site

### **Observations**

None have been received within the prescribed period.

### **Interdepartmental Reports**

**Drainage Division:** Report received dated 5th August 2022 - no objections subject to conditions

**Transportation Division:** Report dated 8th August 2022 – no objection subject to conditions.

## **Planning Assessment**

### **Assessment**

The subject site consists of vacant lands in Cherry Orchard adjacent to Wheatfield Prison and Cherry Orchard Hospital.

The proposed development comprises of 172no. dwellinghouses (141no. 3 bed and 31no. 2bed units).

### **Proposed Development**

- Proposed construction of a residential development comprising 172 no. dwellings (141 no. 3-bedroom two-storey terraced houses and 31 no. 2-bedroom two-storey terraced houses), 2 public open spaces approx. 0.83 ha /14% of site area, associated site infrastructure works/ supporting infrastructure, landscaping, public lighting, access roads/pavements, boundary treatments and provision for a link road/ pavements and cycleways to Ballyfermot as follows:
- 141 no. 3-bedroom two-storey terraced houses and 31 no. 2-bedroom two-storey terraced houses with 1 no. in-curtilage parking space per house to the front and private gardens to the rear.
- Development of a linear public open space on the west end of the lands (along the eastern boundary of Wheatfield Prison) and associated works.
- Development of a pocket park and children's playground on the eastern section of the lands
- Provision for a link road (to Ballyfermot Road) continuing from and widening the current road frontage to the north of 113-127 and 155-169 Cherry Orchard Green along with associated works, footpaths, cycle paths, public lighting.
- 172 no. private parking spaces (1 no. in-curtilage parking space per house), 14 no. on-street public car parking spaces on the link road (includes 2 no. accessible parking spaces) and 20 no. public bicycle parking spaces.
- New boundary treatments to Cherry Orchard Hospital/ Cloverhill Courthouse, incorporating provision for a future pedestrian entrance to Cherry Orchard Hospital and boundary treatment to Cherry Orchard Football Club.

## **Principle of development**

The proposed development is located within an area subject to the Z1 zoning objective which seeks “*To protect, provide and improve residential amenities.*” Under the Z1 zoning objective, residential is a permissible use. The site is currently vacant, it is considered that this does not represent an efficient use of Z1 zoned, serviced land within an existing built up area. The redevelopment of this residentially zoned site for residential use is in line with national and council policy. The proposed redevelopment of the site is therefore acceptable in principle,

subject to an assessment of the relevant criteria within the Dublin City Development Plan, the Park West and Cherry Orchard Local Area Plan 2019 and relevant ministerial guidelines.

### Cherry Orchard LAP

It is noted that the subject land forms part of Site 1: Elmdale-Hospital of the LAP. The LAP sets out a number of stipulations for Site 1 as shown below:

<b>LAP stipulation</b>	<b>Complies</b>
Facilitate and support the delivery of a proposed new north–south link street connecting Ballyfermot Road to the Park West train station. This new piece of infrastructure shall include the provision of pedestrian and cycle links to tie in with the surrounding area as part of a wider pedestrian and cycle network. The new link street should also include for the provision of landscaping, tree planting, on street parking, and should seek to incorporate SuDS as appropriate.	<p>This application provides most of the link road, from Cherry Orchard Green and along the southern boundary of the subject site.</p> <p>A separate Part 8 application will provide the north eastern section of the link road, connecting to Ballyfermot. This is indicated on the plans submitted.</p> <p>The link road includes dedicated cycle lanes and footpaths.</p> <p>Landscaping, including tree planting, and SUDs features are incorporated into the design.</p>
Requirement to relocate Cherry Orchard FC club house to facilitate new road link.	The section of the link road adjacent to the clubhouse is part of a separate Part 8 application.
Identify and safeguard potential opportunities for a controlled pedestrian and cycle access through to Cherry Orchard Hospital as part of the wider pedestrian and cycle network.	The proposed plans indicate provision for future gate access to Cherry Orchard Hospital in the northwest corner of the site.
Future development will be required to be appropriately designed and integrated with the existing residential area and neighbouring communities and with existing institutional uses. Site layout and building design will be required to address existing site features and constraints. Scheme layouts will be designed to avoid blank frontages to public areas and to provide active street edges.	<p>The proposal addresses this requirement through:</p> <ul style="list-style-type: none"> <li>- Linear park on western side, alongside prison</li> <li>- Landscaped buffer on northern side with improved boundary treatment to hospital</li> <li>- East west orientation of terraces</li> <li>- Terraced housing</li> <li>- Active frontage and strong urban edge to streets</li> <li>- Open spaces overlooked</li> <li>- Permeability between terraces and to wider area</li> </ul>
Future development shall maximise opportunities for passive surveillance onto all new streets and onto both existing and new public open space areas.	It is considered that the proposed layout ensures that all new streets and open spaces have passive surveillance from the proposed dwellings.

Explore the potential for a secondary private vehicular access to the north west of the site to facilitate access to Cloverhill Courthouse, subject to careful detailed design and compatibility with future residential uses.	The proposed plans indicate provision for potential future access to Cloverhill Courthouse, in the northwest corner of the site.
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It is therefore considered that the proposal complies with the development stipulations of Site 1 of the Park West and Cherry Orchard LAP.

### Pre Part 8

The Architects Department submitted a Pre Part submission earlier this year. The report of the Planning Department set out a number of concerns that include the following –

1. *The applicant should consider the detailed comments of the E & T (Transportation) Division, Parks, Biodiversity and Landscape Services, Drainage Division and City Archaeologist and incorporate as appropriate in revisions.*
2. *Tree retention and removals plans should be provided.*
3. *It is considered that additional visitor cycle parking spaces should be provided, distributed across the site.*

The applicant has set out within the Part 8 Submission that the items above have been addressed.

Response to Item 1 – the applicant stated that all comments received from subject divisions have been considered within the current application.

Response to Item 2 – the applicant has submitted a tree retention and removals plans.

Response to Item 3 – 20 additional visitor cycle spaces are provided between the public open spaces to the east and west of the site.

### **Density, Plot Ratio and Site Coverage**

Indicative plot ratio and site coverage standards are set out in the Dublin City Development Plan 2016-2022. Plot ratio standards for Z1 range from 0.5 -2.0 and site coverage standards for Z1 is 45%-60%. The LAP indicative massing model indicates building heights of up to 4 storeys, while a density of 25-50 units per hectare is envisaged.

The submission documents indicates the proposed development will have a site coverage of 19.6% and plot ratio of 0.393.

The plot ratio and site coverage are both below the Development Plan indicative standards, it is considered that the proposal respects the existing context and urban form. The density of the proposal is stated as 37.23 dwellings per hectare, which is consistent with that envisaged by the LAP.

The Planning Authority considers that the density is on the lower side because of the typology of the scheme but notes that it is in accordance with the LAP. The Planning Authority also notes that the LAP guides development on Site 1: Elmdale-Hospital, stating that *future development will be required to be appropriately designed and integrated with the existing residential area*. In this regard, the proposal for a development of a housing development

integrates well into the surrounding area that comprises of a similar density and form of housing.

The proposal is therefore considered to be in accordance with the Development Plan in terms of density, plot ratio and site coverage.

## **Layout and Design of Development**

### Layout

The proposed scheme is arranged as a series of terraced perimeter blocks, within a hierarchy of streets. The internal loop road provides access around the western, northern and eastern perimeters, while the north south internal streets are clearly defined as quieter, residential spaces. The perimeter block layout provides active street frontage throughout the scheme and passive surveillance of open spaces. The layout relates successfully with that of the existing housing to the south and provides appropriate buffers to the institutional uses to the north and west. The open space areas located to the west and east of the site are well proportioned, accessible and will provide for flexibility in recreation activities.

The layout allows for a high degree of permeability through the site and easy access to retail and other services within the wider area. The Planning Authority welcomes the potential for future permeable links through to Cherry Orchard Hospital and Cloverhill Courthouse, as indicated on Proposed Site Layout Sheet 1 (DR-A-0507 P-04). This is in accordance with the stipulations of the Park West and Cherry Orchard LAP 2019 Site 1: Elmdale-Hospital that specifically requires opportunities for a controlled pedestrian and cycle access through to Cherry Orchard Hospital as part of the wider pedestrian and cycle network.

### Appearance

The proposed dwellings are two storey, contemporary houses with pitched roofs. An element of variety has been introduced through the application of 4no. house types (A, B, D & E), which will add interest to the streetscapes, while the consistency in the architectural approach and materiality overall will provide identity to the scheme. External finishes are two types of brick, render and dark roof tiles and solar PVs on the front roof slope.

The design of the dwellings and specification of materials is considered to be in keeping with the existing context. The proposed contemporary design and high quality materials is considered to be well considered and sits in well with the surrounding context.

The Planning Authority notes that there are recent examples of new housing in the form of two storey terraced dwellings at Elmdale that lies to the south of the site. The proposed dwellings respect the existing character, scale and design of Elmdale (Cherry Orchard Green).

### Landscaping

The landscaping scheme includes proposals for the two open spaces as well as the proposed streets. The public spaces will include new grassed areas and tree planting and are intended to be flexible to support a wide variety of uses, including exercise, play and quiet areas. The streets will include tree and shrub planting, lighting, SUDs and home zone features.

The submitted Tree Survey identifies 5 'B' (B2) category (moderate value) trees, though these appear to be located outside the site boundary, to the north. All other existing trees are graded 'C' Category (low quality) or 'U' Category (trees with less than 10 years life remaining). Tree retention and removals plans should be provided.

Overall, it is considered that the design and layout of the scheme is appropriate to the context and of a good standard.

### **Residential standards**

The proposal is for 172 No. dwelling units in a mix of 2 and 3 bed properties.

The plans submitted indicate that the proposed dwellings would have pitched roofs. The elevations would predominantly consist of selected brick to public facades, render to rear and side elevations, UPVC windows and doors, metal clad canopies and concrete roof tiles.

The proposed houses have four types as set out below:

- House Type A - 3 bed/ 5 person dwelling (109sqm, narrow frontage)
- House Type B - 3 bed / 5 person dwelling (115sqm, end of terrace)
- House Type D - 2 bed / 4 person dwelling (89sqm, wide frontage)
- House Type E - 2 bed / 4 person dwelling (80sqm, narrow frontage)

Regarding the quality of accommodation for the future occupants of the dwellings, it is noted that Section 5.3.2 and Table 5.1 of Quality Housing for Sustainable Communities 2007 (Guidelines) sets out the minimum requirements for the overall size of a dwelling and for each of the room. Based on the drawings submitted, it is noted that all housing types achieve compliance with the minimum floor areas set out in the Guidelines. The Planning Authority notes that the floor areas are generous and storage is well over the minimum requirement, this is welcomed.

Additionally, all units would be dual aspect and receive adequate natural light and ventilation, in accordance with Section 16.10.2 of the Dublin City Development Plan 2016-2022.

Section 16.10.2 of the Dublin City Development Plan 2016-2022 requires a minimum of ten square metres private open space per bed space. The Housing Quality Assessment submitted demonstrates that all of the units have garden areas which exceed the quantum of open space required by Section 16.10.2 of the Dublin City Development Plan 2016-2022. This is considered to be acceptable.

### **Impact on Neighbouring Properties**

#### *Overlooking and privacy impacts*

The plans submitted demonstrate that the development achieves 22 metre back to back separation distance between opposing east to west dwellings. Smaller 2 bed units have shallower garden depths but bedroom windows face the street.

Generally, given the terraced layout and separation distances achieved, no issues of overlooking arise within the scheme. There are a small number of units (House Type B and Units 141 & 152 of House Type E) which would have 1st floor windows on their side elevations, however these are corner units and face either gable ends or parking areas. The design of these units is welcomed and adds interest at the ends of the terraces and increases passive surveillance of the streets



The contextual street elevations shows that the development has been designed so that all streets and corners within the development are overlooked, there are no instances of areas with no surveillance that would be attractive spaces for anti-social behaviour.

The proposed dwellings would have a 'front to front' relationship to existing residential properties in Cherry Orchard Green and therefore no privacy issues arise.

#### *Overshadowing and overbearance*

Given the 2 storey pitched roof design of the dwellings, it is considered that no undue overshadowing or overbearance would occur.

#### **Public open space**

In new residential developments, 10% of the site area shall be reserved as public open space. This standard applies to applications for houses and apartments.

The proposal is for 2 public open spaces approx. 0.83 ha /14% of site area of the site area is proposed as public open space.

The public open comprises of a linear park along the western site boundary and a pocket park in the northeast corner of the site. The plans submitted show that allotment style gardens are proposed within part of the linear park, that is similar to an existing allotment garden to the south of the site.

The public open space includes a gated playground, exercise areas and seating.

Overall, it is considered that the proposed development is acceptable in this regard.

#### **Transport**

The report of the Transportation Division is summarised below, no objection to the proposal is raised subject to conditions.

The site consists of a 5.92 ha. plot located to the west of the city centre to the east of the M50. The northern boundary is formed by Cherry Orchard Hospital, the eastern and southern boundary by the existing Cherry Orchard Football club grounds and new housing known as Cherry Orchard Green. To the west, the boundary is formed by Cloverhill Prison. Access to the site is currently from the new housing development to the south at Cherry Orchard Green. This provides pedestrian and vehicular access to the wider Cherry Orchard and Park West area.

The site is located and identified as Site No.1 within the 2019 Cherry Orchard and Park West Local Area Plan (LAP). There are a number of objectives within the LAP which relate directly to the application in relation access and movement, principally;

*MO1: To seek the development of new north-south roadway linking Ballyfermot Rd and Cherry Orchard Green (delivered as part of Site No.1).*

*MO2: Seek future pedestrian / cycle linkages between Site No. 1 and Cherry Orchard Hospital.*

*MO3: Allow provision for future vehicular connection between Site No. 1 and lands to the rear of Cherry Orchard / Cloverhill Court House.*

### *Link Road*

The proposal includes the provision of a link road between Cherry Orchard Green and Cherry Orchard Football Club which is accessed from Ballyfermot Road to fulfil the requirements of objection MO1 of the LAP.

It is noted that a section of proposed road providing the connection to Ballyfermot Road lies outside the red line boundary and will be completed under a separate Part 8 application.

The new link road will require amendments to the existing road layout within Cherry Orchard Green, in front of the residential properties 113-127 and 155-169 Cherry Orchard Green. The new road will provide a new two-way carriageway of approx. 6m width along with a 1.5m wide cycle lane in each direction and minimum 2m pedestrian footpaths in line with DMURS standards for new roads of this nature. An additional east-west local street is proposed along the northern boundary of the site together with 6 no. local access streets running north-south providing access to the new dwellings. All local access streets are design to a width of 5.5m, along with footpath of a minimum 2m and junction radii of R5.5.

### *Road Safety Audit*

A Road Safety Audit Stage 1/2 has been provided as part of the submission. The items identified as part of the RSA have been incorporated into the design proposal. The roads within the proposed development are to be traffic calmed by a series of features including raised tables, ramps and the use of different road materials within the shared use area.

### *Accessibility*

In terms of accessibility, the site is location is close proximity to the Park West and Cherry Orchard rail station together with a number of existing bus stops along Cherry Orchard Avenue, Cherry Brook Way and Park West Avenue. The site is also within walking distance to the new bus routes as proposed under the NTAs network redesign and BusConnects proposal with the G spine (route G1) and route No.60, being located to the south of the site along Cherry Orchard Avenue and Blackditch Road. It is noted that an indented bus bay is proposed on the west bound lane on the south side of the new link road. There are no current or proposed bus services to serve these lands as part of the NTA bus network redesign or BusConnects proposal. The proposed bus bay shall be removed and the layout agreed as part of the overall roads layout to be taken in charge by DCC. Any future bus services could operate effectively without an indented bus bay.

### *Pedestrian/ Cycle Linkages*

With regard to objectives MO2 and MO3 of the LAP, it is noted that objective MO2 seeks further pedestrian / cycle linkages between the site and Cherry Orchard Hospital which is located to the north of the application site. These lands are in the control of third parties and any linkages between the two sites would require the permission of the third party landowner. Objective MO3 seeks to provide for future vehicular connection between the site and lands to the rear of Cherry Orchard / Cloverhill Court House. The proposal has been designed to accommodate this and the application documentation refers to this future connection in the layout.

### *Car Parking*

172 no. in-curtilage car parking spaces are proposed, one per each dwelling together with 14 no. on street public car parking spaces located along the new link road, in close proximity to the Cherry Orchard Football Club are considered acceptable.

### *Taking in charge*

A Taking in Charge Plan has been submitted which proposes all roads and footpaths within the site are to be taken in charge. This division has no objection in principle to the proposed road layout. However given that it is proposed that all of the roads be taken in charge by DCC, all materials in particular proposed in the speed tables, ramps and shared use areas are to be agreed with the Roads Maintenance Division prior to commencement of development.

### **Construction Management Plan**

A preliminary Construction Management Plan and an Outline Construction and Waste Management plan have been submitted and are noted. In the event of a grant of permission, a final plan will be required to be submitted and agreed with the Roadworks Control section on appointment of a contractor

The Transportation Division raises no objection to the proposal subject to conditions.

### **Other considerations**

#### Archaeology

An Archaeological Assessment has been submitted. This report identifies that there are no archaeological sites within the site boundary or radius of 250m. The nearest recorded monument is located c. 950m to the south. It is noted that the site area has remained relatively undisturbed by modern development and consequently there may be unrecorded archaeological features below ground.

As part of the Pre Part 8 application, the City Archaeologist has recommended that an archaeological geophysical surveyor be asked to prepare a short scoping report and brief demonstrating on the value of, suitable location and appropriate methodology for a prospecting geophysical survey and that this should be furnished to the City Archaeologist for consideration in advance of the application being lodged.

The submitted Archaeological Assessment contains a letter from Ger Dowling Archaeologist and Geophysical Surveyor that confirms that the site is no suitable for geophysical survey due to the presence of areas of high grass and dense vegetation as well as litter and burnt out cars and recommends trench testing as an alternative.

No comments have been received from Archaeology to date.

#### Ecology

An Ecological Impact Assessment has been submitted. The report is informed by desktop study and field surveys. The report notes that the dominant habitats present at the site are of low ecological importance. The removal of existing grassland, trees and bushes will result in a minor negative impact in the short term, but with the mitigation measures set out, including planting, it is concluded that the medium to long term impact will be minor positive. Overall therefore, the proposed development is considered acceptable with regard to ecological impacts.

### Drainage and Flood Risk

An Engineering Report and Site Specific Flood Risk Assessment (SSFRA) have been submitted. The SSFRA identifies that the site is located within Flood Zone C (low risk) for coastal and fluvial flooding, while being at low to moderate risk of pluvial flooding. The report concludes that the proposed development will not increase the risk of flooding elsewhere and that the proposed surface water drainage network will manage run-off arising from a 1 in 100 year storm. It is noted that the Drainage Division has raised queries in relation to the proposals but notes that the sustainable drainage proposals are generally acceptable.

The report of the Drainage Division dated August 5th 2022 raises no objection subject to conditions.

### **Conclusion**

The Planning Authority welcomes the development of vacant zoned lands for housing within an established community in Cherry Orchard. The proposed development is considered to be in accordance with the Park West and Cherry Orchard Local Area Plan 2019 and specifically Site 1 Elmdale hospital.

The development provides a rational layout, good residential amenity to future residents with new public open spaces, without having undue impacts on nearby residents or other land users. It is considered that the proposed development will be generally in-keeping with the character of the surrounding area. The proposal complies with National Guidelines and Development Plan requirements and would provide for a well-designed scheme with attractive facades and public open space areas.

### **Requirement of Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**

The application has been accompanied with the following information in relation to the requirement for an Appropriate Assessment. The Screening Report concludes that no elements of the project are likely to result in significant impacts on any Natura 2000 sites or their conservation objectives.

Having regard to the nature and scale of the proposed development and the proximity to the nearest Natura 2000 sites, it is considered that no Appropriate Assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect, individually, or in combination with other plans or projects, on a Natura 2000 site.

In relation to the requirement for an Environmental Impact Assessment it is noted that:

The projects which require EIA are listed in Annex I and Annex II of the EIA Directive as amended. Projects listed in Annex I of the EIA Directive have mandatory EIA requirements. Annex II projects are considered on a case-by-case basis at national level and thresholds have been set for Annex II projects in Irish legislation. But even projects which do not meet the threshold may require an EIA if the project is likely to have significant effects on the environment (sub-threshold development).

Schedule 5 (Part 1) of the Planning and Development Regulations 2001-2018 (as amended) sets mandatory thresholds for projects. The proposed development does not meet or exceed the mandatory threshold for projects set out in the Schedule therefore a mandatory EIA is not required.

Schedule 5 (Part 1) of the Planning and Development Regulations 2001-2018 (as amended) sets out national thresholds, none of which the proposed development appears to fall under.

The submitted Screening Report for EIA concludes that 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.

### **Third Party Submissions**

None have been received.

### **Conclusion**

The Planning Department supports the proposed development of 172 new homes and considers that the scheme put forward is both unique and of high quality in terms of its design. The regeneration of a derelict site within an existing community in Cherry Orchard is welcomed.

### **Appropriate Assessment (AA)**

#### **Conclusion**

The proposed development is considered to be in accordance with the Dublin City Development Plan 2016-2022. The proposed development is considered acceptable.

#### **Recommendation**

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development subject to the following recommendations:

##### **1. Transportation**

a) Final road design and construction details, including layout, materials, signing and lining etc., shall be agreed with the relevant divisions of Environment & Transportation Department prior to construction.

b) All areas to be taken in charge shall be agreed with the Planning Authority and all works within taken in charge areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council.

c) The proposed indented bus bay on the west bound carriageway of the proposed link road shall be omitted.

d) Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. The appointed contractor shall liaise with DCC Road Works Control Division during the demolition and construction period.

e) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

f) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of traffic safety.

## 2. Drainage

a) There is no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).

b) The proposal for the management of surface water as indicated on the drawings submitted is not acceptable. The developer shall submit two revised copies of a detailed site plan to the Drainage Division for written approval prior to commencement of the works. The main points to note in the revised drawings are: (a) requirements for pipeline cover – note Section 11.8 of the Greater Dublin Regional Code of Practice for Drainage Works (b) longitudinal sections of proposed surface water sewer to be submitted, (c) an overflow from the last manhole to the public surface water sewer is not allowed – note Section 16.7 of the Greater Dublin Regional Code of Practice for Drainage Works (d) proposed tree planting relative to the existing trunk surface water sewer.

c) Records of public surface water sewers are indicative and must be verified on site. The Developer must carry out a comprehensive site survey to establish all public surface water sewers that may be on the site. If surface water infrastructure is found that is not on public records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements.

d) There is an existing public surface water sewer running through the site. A clear minimum distance of seven metres shall be maintained between the sewer and all structures on site. The exact location of this pipeline must be accurately determined onsite prior to construction work commencing. No additional loading shall be placed on this sewer. Any damage to it shall be rectified at the developer's expense.

e) Full details of the proposed abandonment of public surface water sewers must be agreed in writing with DCC Drainage Division prior to commencement of the development.

f) Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by Drainage Division, must be submitted to Drainage Division for written sign-off. This must be submitted no later than the completion of each phase of the development works on site. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 for full taking in charge requirements.

g) The development is to be drained on a completely separate foul and surface water system with surface water discharging to the public surface water system.

h) A connection from this development to the public surface water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public surface water network system without

written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway.

i) The development shall incorporate Sustainable Drainage Systems (SuDS) in the management of surface water. The SuDS devices outlined in the Engineering Planning Report dated June 2022 shall be implemented in full. Full details of the surface water proposals shall be agreed in writing with Drainage Division prior to commencement.

j) The flood mitigation measures identified in the Site Specific Flood Risk Assessment Report dated June 2022 shall be implemented in full.

k) Permanent discharge of groundwater to the drainage network is not permitted.

l) Discharge of groundwater to the public drainage network may be permitted during construction subject to a trade effluent discharge license being obtained from Drainage Division Council as required by the Local Government (Water Pollution) Acts, 1977 and 1990.

m) The outfall surface water manhole from this development shall be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

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

3. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 "Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

Noise levels from the proposed development should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighborhood or to a person lawfully using any public place. The rated noise levels from the site (defined as LAeq 1 hour) shall not exceed the background noise level (as defined in B.S. 4142:2014 by 10 dB or more.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

4. The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

5. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

The Area Committee as appropriate were informed of the initiation of the Part 8 planning process for the proposed development and the recommendation of the Planning Department at its meetings on the 31st March 2022 and 13<sup>th</sup> September 2022 respectively.

The project is being funded under the Affordable Housing Act 2021 – Affordable Purchase Scheme / Affordable Housing Fund.

**Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development.**

This report is submitted to the City Council pursuant to Section 179 of the Planning and Development Act, 2000 (as amended).

**Resolution:**

That Dublin City Council notes the contents of Report No. 244/2022 and hereby approves the contents therein

**Owen P Keegan**  
**Chief Executive**

**Date: 20<sup>th</sup> September 2022**



## **Appendix A**

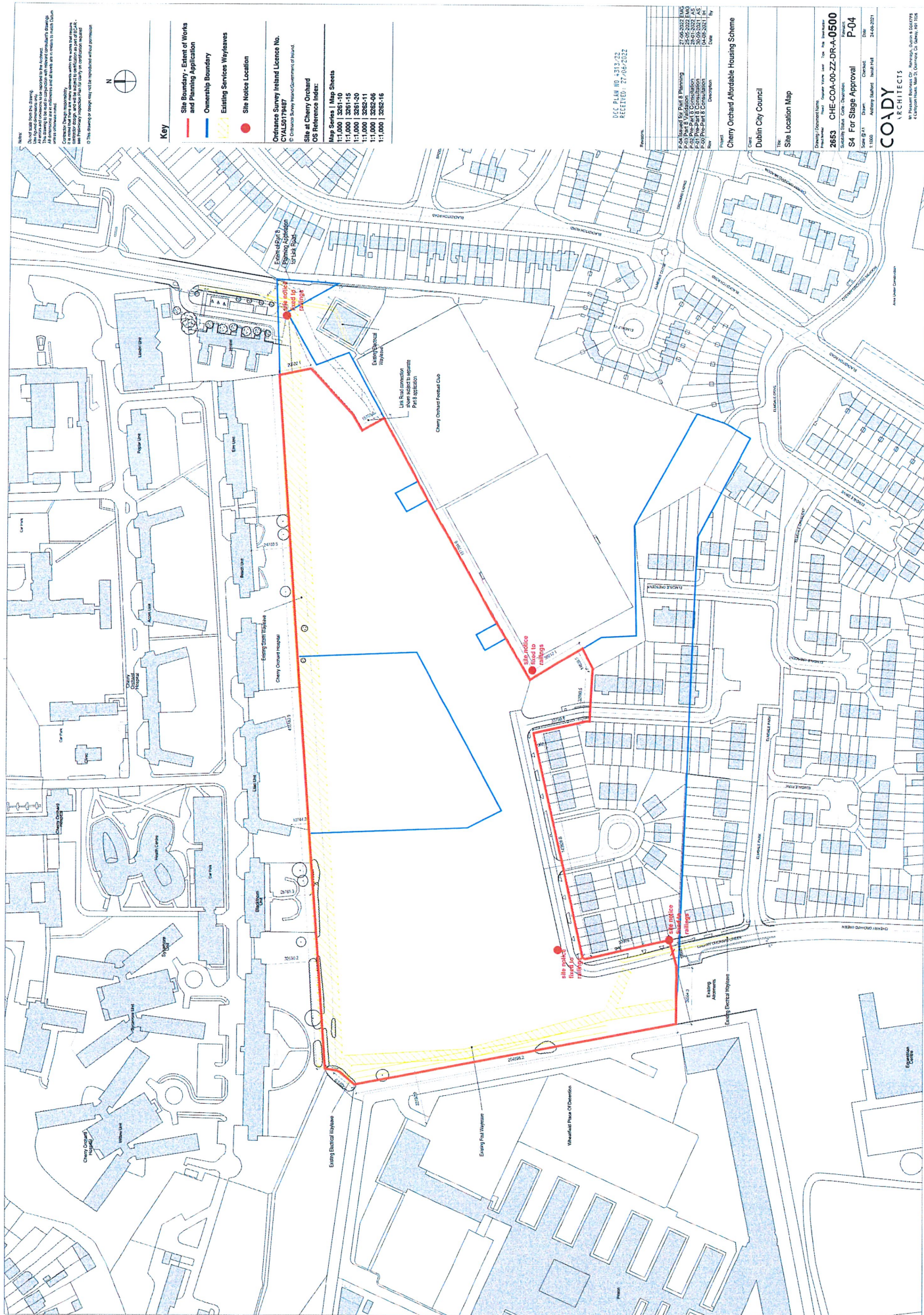
### **Consultees and Third Party Submissions/Observations**

#### **Consultees**

Irish Water, Colvill House, 24 - 26, Talbot Street, Dublin 1

#### **Third Party Submissions/Observations**

None received



**Key**

- Site Boundary - Extent of Works and Planning Application
- Ownership Boundary
- Existing Services Waylines
- Site Notice Location

Ordnance Survey Ireland Licence No. 01458171487  
© Crown Copyright  
Site at Cherry Orchard  
OS Reference Index:

Map Series 1 Map Sheets  
11,000 3281-15  
11,000 3281-20  
11,000 3282-11  
11,000 3282-06  
11,000 3282-16

DCC PLAN NO 4313/22  
RECEIVED 27/06/2022

Project	Client	Drawn	Checked	Date
Cherry Orchard Affordable Housing Scheme	Dublin City Council			
Site Location Map				

Project	Client	Drawn	Checked	Date
Cherry Orchard Affordable Housing Scheme	Dublin City Council			
Site Location Map				

Project	Client	Drawn	Checked	Date
Cherry Orchard Affordable Housing Scheme	Dublin City Council			
Site Location Map				

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