

# Comhairle Chontae Atha Cliath Theas

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

### PR/1439/21

**Reg. Reference:** SD21A/0179      **Application Date:** 01-Jul-2021  
**Submission Type:** Additional      **Registration Date:** 07-Oct-2021  
Information

**Correspondence Name and Address:** Louise Connolly, CDP Architecture 4, The Mall,  
Main Street, Lucan, Co. Dublin

**Proposed Development:** Removal of selected hedging, the removal of the existing 52 car parking spaces and the construction of a 4-storey apartment building with setbacks at third floor level, total 14 apartments comprising of 1 one-bedroom, 11 two bedroom; 2 three bedroom apartments, all with associated private open spaces areas in the form of balconies; access to the development from existing vehicular and pedestrian entrance from Leixlip Road (R835) and from proposed new vehicular and pedestrian access from Ardeevin Drive; all with associated landscaped courtyard at ground floor level, sedum roof (main roof), bicycle storage, bin storage, signage, associated drainage and site development works (Protected Structure RPS No. 094).

**Location:** Ball Alley House, Leixlip Road, Lucan, Co. Dublin

**Applicant Name:** Gerry Teague

**Application Type:** Permission

(DF)

### Description of Site and Surroundings

Site Area 0.168 hectares

#### Site Description

The subject site is located on the southern side of Leixlip Road and contains contains a protected structure REF:094 Ball Alley House Lucan- Detached Eight Bay Two Storey Public House under the South Dublin County Development Plan record of protected structures. Car park is located to the rear. To the east of the site is a medical centre and apartments, with residential houses located to the west and south. Lucan Demesne is located to the north.

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### **Proposal**

The proposal comprises the following:

- Removal of selected hedging, the removal of the existing 52 car parking spaces and the construction of a 4-storey apartment building with setbacks at third floor level, total 14 apartments comprising of 1 one-bedroom, 11 two bedroom;
- 2 three bedroom apartments, all with associated private open spaces areas in the form of balconies;
- access to the development from existing vehicular and pedestrian entrance from Leixlip Road (R835) and from proposed new vehicular and pedestrian access from Ardeevin Drive;
- all with associated landscaped courtyard at ground floor level, sedum roof (main roof), bicycle storage, bin storage, signage, associated drainage and site development works (Protected Structure RPS No. 094).

### **Zoning**

The site is zoned Objective RES 'to protect and/or improve Residential Amenity'.

### **Consultations**

Water Services- Additional Information Requested

Roads- Additional Information Requested

Parks and Public Realm- Additional Information Requested

Irish Water-Additional Information Requested

Heritage Officer- No Response

Architectural Conservation Officer- No Response

County Architect- No Response

EHO-No response

Housing-No response

Sustainable Energy Ireland- No Response

NTA- No Response

Chief Fire Officer-No Response

An Taisce-Object to the development

### **Submissions/Representations**

Last date for submissions 04/08/21. A number of submissions have been received. Main concerns relate to the following:

- Increased footfall and traffic
- Increased traffic and parking with adjacent care home
- Anti-social behaviour associated with the pub
- Concerns regarding the close proximity of the apartments, houses, and adjacent boundary wall
- Impact on green area to rear of pub
- Impact on heritage building

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- Overlooking of private space and adjacent properties
- Out of character with the adjoining buildings, height excessive
- Inconvenience of road and construction works
- Excessive car parking and safety concerns in the area
- Devalue properties in the area
- Access for emergency vehicles
- Impact on existing community activities
- Concerns on access from Ardeevin Drive
- Increase in density of area not appropriate, and overdevelopment of the site
- Visual impact on the area, and vistas
- Access for people from back of the pub will increase noise and antisocial behaviour
- Number of proposed car parking spaces is not realistic
- Removal of parking to rear of pub will cause parking issues in Lucan village
- Housing should be directed to Clonburris and Adamstown
- Not sufficient details on bin stores and plant associated with the development
- Concerns regarding safety for children playing in the area
- Does green roof reduce run-off
- Profit driven development
- Built for rental purposes
- Inaccurate site layout plan regarding the southern boundary
- No roads and parking assessment report included
- Right to light and privacy concerns
- Biodiversity and protection of wildlife is important
- Concerns regarding delivery to building-groceries etc
- Previous reasons for refusal on older applications on adjacent sites
- On-site parking spaces need to be confirmed

### **Relevant Planning History**

SD08A/0162. Removal of existing stone fireplace at ground floor level only and extension of existing bar counter and all associated works. (Ball Alley is a Protected Structure, RPS-094).  
Refuse Permission

SD07A/0208. To convert portion of existing open area to semi covered area to rear at Ball Alley House, Leixlip Road, Lucan, County Dublin. (Ball Alley House is a protected structure, (RPS-094).

Grant Permission

SD06A/0749. To use the existing smoking area to rear as a beer garden, with the erection of retractable awning over section of area, together with the change of use of existing first floor rooms from storage to offices and conference room. (Ball Alley House is a protected structure, RPS-094)

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### Grant Permission and Refuse Permission

SD06A/0201. Convert existing car spaces located to the front of the premises into an outdoor seating area together with the erection of a 1.37m high painted galvanized steel safety barrier and the affixing of 3 retractable awnings to the front of the building in addition to re-painting the exterior of the building with colours to match existing and associated site works all at Ball Alley House (Ball Alley house is a protected structure, RPS-094).

### Refuse Permission

SD04A/0958. Retention permission for (1) external seating to rear forming smoking area;(2) perimeter walls, railings and bench seating; (3) open compound storage area; (4) gable window to rear of building; (5) window to rear west elevation; (6) gable window in south elevation in storage area of first floor; (7) internal alterations incorporating relocation of ladies toilet into storage area and extension of lounge bar into storage area on ground floor; (8) retractable canopy on side east elevation. (The Ball Alley House is a Protected Structure).

### Grant Permission for Retention

SD03A/0192. Slightly change plans for already approved and commenced application Reg. Ref. S01A/0351 incorporating 4 additional windows, enlarging basement and relocation of internal stairs.

### Grant Permission

S01A/0351. To reconstruct and extend licenced premises, incorporating demolition of existing toilet block, construction of new toilet block, stores and extension to lounge.

### Grant Permission

### **Adjacent Sites**

SD19A/0297. Demolition of the existing house, existing shed; removal of the existing portacabin; removal of selected hedging and the modification of the northern boundary wall along Leixlip Road; proposal includes the construction of 6 2-bed apartments, with all associated site development works; private open space areas; public open space areas; signage; bin storage; cycle parking; car parking; drainage and landscaping.

### Refuse Permission

SD16A/0005. (1) Change of use from existing office use to a surgery for medical practitioners; (2) alterations to existing entrance to create new doorway, ramp and handrail; (3) external signage; (4) all associated site works, internal alterations and bin storage area.

### Grant Permission

SD03A/0115- Permission for retention granted by SDCC for Porta-Cabin used as a dental surgery to the side.

### **Relevant Enforcement History**

None recorded.

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### Pre-planning consultation

None recorded

### Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Policy CS1 *Consolidation Areas within the Gateway*

Policy CS2 *Metropolitan Consolidation Towns*

Policy CS3 *Emerging Moderate Sustainable Growth Town*

Policy CS4 *Small Towns*

Policy CS6 *Local Area Plans*

It is the policy of the Council to prepare Local Area Plans as appropriate, and to prioritise areas that are likely to experience large scale residential or commercial development or regeneration.

*Policy CS6 Objective 1:* To prepare Local Area Plans for areas that are likely to experience large scale residential or commercial development or regeneration.

*Policy CS6 Objective 2:* To support a plan led approach in Local Area Plan areas by ensuring that development complies with the specific local requirements of the Local Area Plan, in addition to the policies and objectives contained in this Development Plan.

*Policy H6 Sustainable Communities*

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

*Policy H7 Urban Design in Residential Developments*

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

*Policy H8 Residential Densities*

It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

*Policy H9 Residential Building Heights*

It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

*Policy H10 Mix of Dwelling Types*

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

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### *Section 2.3.0 Quality Of Residential Development*

#### *Policy H11 Residential Design and Layout*

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

#### *Policy H12 Public Open Space*

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

#### *Policy H13 Private and Semi-Private Open Space*

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

#### *Policy H14 Internal Residential Accommodation*

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

#### *Policy H15 Privacy and Security*

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

#### *Policy H16 Steep or Varying Topography Sites*

It is the policy of the Council to ensure that development on lands with a steep and/or varying topography is designed and sited to minimise impacts on the natural slope of the site.

### *H17 Residential Consolidation*

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

### *Section 3.2.0 Community Facilities*

#### *Policy C1 Community Centres*

It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.

### *Section 3.13.0 Open Space Management & Use*

#### *Policy C12 Open Space*

It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation,

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and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.

### *Policy UC6 Building Heights*

It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.

### *Section 6.3.0 Walking And Cycling*

#### *Policy TM3 Walking and Cycling*

*It is the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation by prioritising*

### *Section 6.4.3 Road and Street Design*

#### *Policy H12*

*It is the policy of Council 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.*

### *Section 6.4.4 Car Parking*

#### *Policy TM7 Car Parking*

### *Section 7.1.0 Water Supply & Wastewater*

#### *Policy IE1 Water & Wastewater*

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County

### *Section 7.2.0 Surface Water & Groundwater*

#### *Policy IE2 Surface Water & Groundwater*

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

### *Section 7.3.0 Flood Risk Management*

#### *Policy IE3 Flood Risk*

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

### *Section 8.0 Green Infrastructure*

#### *Policy G1 Overarching*

#### *Policy G1 Green Infrastructure Network*

#### *Policy G3 Watercourses Network*

#### *Policy G4 Public Open Space and Landscape Setting*

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*Policy G5 Sustainable Urban Drainage Systems*

*Policy G6 New Development in Urban Areas*

*Section 9.3.1 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

*Section 10.0 Energy*

*Policy E4 Energy Performance in New Buildings*

*Section 11.2.0 Place Making and Urban Design*

*Section 11.2.1 Design Statements*

*Section 11.2.2 Masterplans*

*Table 11.17: Masterplan Considerations*

*Section 11.2.7 Building Height*

*Section 11.3.1 Residential*

- (i) Mix of Dwelling Types*
- (ii) Residential Density*
- (iii) Public Open Space/Children's Play*
- (iv) Dwelling Standards*
- (v) Privacy*
- (vi) Dual Aspect*
- (vii) Access Cores and Communal Areas*
- (viii) Clothes Drying Facilities*

*Table 11.20: Minimum Space Standards for Houses*

*Table 11.21: Minimum Space Standards for Apartments*

*Section 11.4.1 Bicycle Parking Standards*

*Table 11.22: Minimum Bicycle Parking Rates*

*Section 11.4.2 Car Parking Standards*

*Table 11.24: Maximum Parking Rates (Residential Development)*

*Section 11.4.3 Car Parking for Electric Vehicles*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.4.5 Traffic and Transport Assessments*

*Section 11.6.1 (i) Flood Risk Assessment*

*Section 11.6.1 (ii) Surface Water*

*Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)*

*Section 11.6.1 (iv) Groundwater*

*Section 11.6.1 (v) Rainwater Harvesting*

*Section 11.6.1 (vi) Water Services*



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*Section 11.7.2 Energy Performance In New Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

*(HCL) Policy 1 Overarching*

*It is the policy of the Council to protect, conserve and enhance natural, built and cultural heritage features, and to support the objectives and actions of the County Heritage Plan.*

*(HCL) Policy 3 Protected Structures*

*It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.*

*HCL5 Objective 1:*

*To retain existing houses that, while not listed as Protected Structures, are considered to contribute to historic character, local character, visual setting, rural amenity or streetscape value within the County.*

*HCL5 Objective 4:*

*To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.*

### **Relevant Government Policy**

***Project Ireland 2040 National Planning Framework***, Government of Ireland, 2018.

***Design Standards for New Apartments – Guidelines for Planning Authorities***

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

***Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities***, Department of Environment, Heritage and Local Government (December 2008).

***Urban Development and Building Heights -Guidelines for Planning Authorities 2018***

***Urban Design Manual; A Best Practice Guide***, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

***Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities***, Department of the Housing, Planning and Local Government (2018).

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

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

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

***Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice***, Building Research Establishment, (1991).

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*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020*, Department of Transport, (2009).

*National Cycle Manual*, National Transport Authority (June 2011).

*Towards Nearly Zero Energy Building in Ireland – Planning for 2020 and Beyond*, Department of the Environment, Community and Local Government (2012).

### Assessment

The main issues for consideration are

- zoning, Council policy,
- visual and residential amenity,
- impact on Protected Structure,
- landscaping and open space,
- access and parking,
- water supply and drainage,
- An Taisce
- appropriate assessment and
- EIA screening.

### *Zoning and Council Policy*

The site of proposed residential development is located within lands which are subject to the zoning objective, 'RES'- to protect and/or improve residential amenity

Residential development would be acceptable in principle subject to the relevant policies, objectives and standards set out in the County Development Plan 2016-2022. The proposal does not include development to the Protected Structure 094.

### Density

The proposed density is approximately 83 units per hectare, based on the site area of 0.168ha. The site is located within a low density suburban area however having regard to the policies and objectives of the SDCC County Development Plan 2016-2022 to make effective use of zoned lands and existing and planned infrastructure and services in close proximity to town, district or local centres it is considered that the proposed density would be acceptable in principle subject to the relevant safeguards of the County Development Plan.

### *Visual and Residential Amenity*

The proposed development comprises 14 apartments comprising of 1 one-bedroom, 11 two bedroom; 2 three bedroom apartments. 28% are proposed to be dual aspect which is below the 33% threshold of SPPR4 of the CDP as an intermediate off street development. This is not acceptable to the Planning Authority.

The legend on the floor plans does not match the layout. The applicant shall provide an updated drawing to ensure legend is correct.

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Apartment	Size	10% additional floor space
1-1 bed	53.8m <sup>2</sup>	Yes
2-2 bed	85.2m <sup>2</sup>	Yes
3-2 bed	79.9m <sup>2</sup>	
4-2 bed	72.3m <sup>2</sup>	
5-2 bed	79.3m <sup>2</sup>	
6-2 bed	80.1m <sup>2</sup>	
7-2 bed	79.9m <sup>2</sup>	
8-2 bed	81.4m <sup>2</sup>	Yes
9-2 bed	79.3m <sup>2</sup>	
10-2 bed	80.1m <sup>2</sup>	
11-2 bed	79.9m <sup>2</sup>	
12-2 bed	81.4m <sup>2</sup>	
13-3 bed	109.5m <sup>2</sup>	Yes
14-3 bed	111.1m <sup>2</sup>	Yes

### Apartment Guidelines 2020 Minimum sizes

- 1 bed. 45m<sup>2</sup>
- 2 bed. 73m<sup>2</sup>
- 3 bed. 90m<sup>2</sup>

29% of the units provided 10% additional floor space above the minimum requirements with a number of units close to the 10% threshold. This is noted and acceptable to the planning authority. The internal layout of the units meets the requirements of the 2020 Guidelines.

The proposal is four storeys in height with the top floor stepped back a further 5.5m at minimum, and flat roof profile at a max ridge height of 12.7m. Section 11.2.1 Design Statements of the County Development Plan 2016-2022 states:

*All medium to large scale development proposals (10 dwellings and above and/or commercial, retail or community developments of 1,000sq. metres and above, or as otherwise required), shall be accompanied by a Design Statement.*

Section 11.2.7 Building Height of the County Development Plan states

*Development proposals that include 'higher buildings' that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building.*

*Proposals for higher buildings of over three storeys in residential areas should be accompanied by a site analysis (including character appraisal) and statement that addresses the impact of the development (see also Section 11.2.1 – Design Statements).*

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Notwithstanding the proposal for 14 units, the applicant has submitted a Design Statement which addresses issues such as site and policy context, site statistics, design strategy, and provides 3D visualisations.

The site is located adjacent to single storey bungalows with max ridge height of 7.1m and a two-storey public house which is a Protected Structure Map. Ref 094 under the County Development Plan 2016-2022 with a max ridge height of 7.6m (this information is known from a previous application unrelated to this one). The applicant has provided contiguous elevations which is welcomed but they are requested to include exact heights of adjacent buildings for clarity, including the adjacent medical centre and apartment block, pub and residential buildings.

The submitted drawing outlines the proposed development being located as follows:

- 31.4m from the pub to the north
- 6-8m from the adjacent apartment building to the east
- 11-12m from the rear boundary line, and 33m to the rear of the residential houses to the south (No's 18 and 20)
- 11-13m from No.21 Ardeevin Drive located to the west.

Section 11.2.7 of the South Dublin County Development Plan 2016-2022 states with regard to Building Height:

*Development proposals that include 'higher buildings' that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building.*

*The appropriate maximum or minimum height of any building will be determined by:*

- ***The prevailing building height in the surrounding area.***
- ***The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.***

Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2020 sets out criteria to which an application for buildings of increased heights in town/city cores and other urban locations with good public transport shall be assessed against. *In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanala, that the proposed development satisfies the following criteria; the criteria includes;*

- Site is well served by high capacity public transport and good links to modes of transport

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- Successful integration into the character and public realm of the area
- Positive contribution to the urban neighbourhood
- Proposal is not monolithic and avoids long uninterrupted walls of building
- Makes positive contribution to improvement of legibility through the site or wider urban area
- Form, massing and height should be carefully modulated to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light
- An urban design statement including, as appropriate, impact on the historic built environment.

Specific Planning Policy Requirement 3 of the Urban Development and Building Heights Guidelines for Planning Authorities 2020 states:

*It is a specific planning policy requirement that where;*

- A) *1. An application for planning permission sets out how a development proposal complies with the criteria above; and*
- 2. the assessment of the planning authority concurs taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guideline:;*
- Then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.***

The site is in close proximity to QBC bus route to and from the City Centre. The development is in close proximity to the services and facilities provided in Lucan Village. The proposed development is set back from the existing residential development to the east and west and the existing building line of the Protected Structure to the north.

The applicant has not submitted a shadow analysis to indicate impacts with regard to daylighting of individual apartments and overshadowing of adjacent properties and open space areas. This shall be provided by way of additional information.

Having regard to the overall scale and massing of the proposed development and to the character and design of the existing residential development, adjacent Protected Structure and to the character of the existing streetscape of Leixlip Road, which comprises the original boundary walls and mature tree line of Lucan Demesne it is considered that the proposed development would appear overly dominant, out of character and would be visually incongruous and would fail to make a positive contribution to the urban neighbourhood.

The 35m separation distance from adjacent two storey dwellings to the east and west is not met and thus the proposal is not in accordance with Council Policy in relation to building height. Although the 35m setback is not met to the north and south, these set back distances are just short of 35m and would be acceptable to the Planning Authority.

Whilst a Design Statement has been submitted with the application, it is noted that a more detailed Urban Design Statement setting out how the development proposal complies with the

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criteria set out in the Guidelines is required in accordance with SPPR 3. It is considered that the proposed development does not sufficiently comply with the criteria in the Building Height guidelines to grant permission, where the provision of the County Development Plan 2016-2022 with regard to building height indicates otherwise, and therefore additional information should be sought to reduce the height of the proposal and more detailed urban design statement to be included.

Housing (H) Policy 17 Residential Consolidation Objective 7 of the County Development Plan 2016-2022 states:

*To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Section 9.1.4 Older Buildings, Estates and Streetscapes).*

Having regard to the overall height, scale and massing of the proposed development it is considered that the proposal would result in a significantly overbearing impact on the residential developments to the west and east, and protected structure to the north. The proposed development would significantly affect the residential amenity of the existing dwellings and the established residential character and visual setting of the area. The proposed would not be in compliance with policies and objectives of the County Development Plan and therefore a redesign should be requested by way of additional information.

### ***Impact on the Protected Structure***

The public house located to the immediate north of the proposed development is a Protected Structure under Schedule 2 of the County Development Plan 2016-2022 under Map. Ref 094-Ball-Alley House, Lucan, Detached Eight-Bay Two Storey Public House.

Section 9.1.2 of the County Development Plan - Protected Structures states:

HCL3 Objective 2

*To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Guidelines for Planning Authorities, DAHG (2011) including the principles of conservation.*

Section 9.1.4 of the County Development Plan- Heritage, Conservation and Landscapes (HCL) Policy 5 Older Buildings, Estates and Streetscapes states:

HCL5 Objective 1:

*To retain existing houses that, while not listed as Protected Structures, are considered to contribute to historic character, local character, visual setting, rural amenity or streetscape value within the County.*

HCL5 Objective 4:

*To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.*

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As stated above, the proposed development is located 31.4m from the Protected Structure. There is a difference in height of 5.6m between the proposed development (12.7m) and the protected structure (7.1m). Having regard to the overall scale, height and mass of the development it is considered that the proposed structure would appear excessively dominant. Whilst the proposal is not relating directly to the Protected Structure, having regard to the close proximity of the proposed development to the Structure it is considered that the proposal is not sympathetic to the scale or architectural interest of the two storey structure and would impact on the integrity of the Protected Structure. The proposal is therefore not in compliance with the Policies of the County Development Plan and a redesign should be requested by way of additional information to reduce the height of the building. It is also noted that there are no windows proposed above the ground floor on the east and western elevations. This will help to protect the amenity and against overlooking of adjacent properties and is welcomed.

### ***Materials***

It is noted that the use of light coloured brick and cladding is to help reduce the visual impact on the adjacent Protected Structure. This is welcomed and noted.

### ***Landscaping and Open Space***

The applicant has submitted a landscape plan which does not delineate the amount of public and private open space, or communal space areas if applicable. It would appear that all the open space is private due to the presence of pedestrian access points into the development. Private space has been provided for the proposed development in the form of balconies, with an open space play area located to the west of the proposed apartment structure. The landscape plan identifies the retention of the eastern and western boundary walls and the removal of a number of trees and hedgerows.

The applicant shall by way of additional information provide clarity on the amount of public and private open space, and if no public open space is proposed rationale also to be provided for this. A tree survey and arboricultural assessment is also requested to outline the existing trees and vegetation, proposed trees and vegetation to be removed, and proposed mitigation measures.

A proposed 244.3sq.m green roof is proposed. Additional information is requested on this. A report from the Parks Department requests additional information regarding a number of items which include:

- the provision of an Arboricultural Impact Assessment including tree survey details, and a revised site layout to factor in results of surveys to minimise the impact on existing trees.
- Inclusion of more extensive SUDs features.
- Details on public open space

The above will be requested as additional information.

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### ***Access & Parking***

The autotracking shows access to the southern parking spaces from Ardeevin Drive. The proposed parking spaces located to north of the proposed apartment building are accessed from the existing pub access road. Southern access from Ardeevin Drive would not be ideal but considering this is for 7 car parking spaces and not refuse lorries, it is deemed acceptable in this instance. It will also help create a more visually pleasing design to the end of the Ardeevin cul de sac which is currently an overgrown hedge and an aesthetically unpleasing boundary wall.

14 car parking spaces are proposed at a rate of 1 per unit, which meets the requirements of the CDP. The existing 51 car parking spaces are to be removed.

The development is considered to be Zone 2

	CDP Parking Rates	Total
1-1	0.75	0.75
2-11	1	11
3-2	1.25	2.5
		14

8 bicycle parking spaces are proposed. As per CDP 1 per 5 apartments long term and 1 space per 10 apartments short term are required. The provision of bicycle parking satisfies the requirements of the CDP.

It would appear that 5 spaces of the existing pub to be retained. The applicant to confirm the number of parking spaces to be retained with the pub and rationale for a reduction beyond the requirements of the CDP. This is requested by way of additional information.

The Roads Department has requested additional information regarding a number of items including visibility splays; car and bicycle parking and pedestrian route details; surface details; and autotracking. This will be requested as additional information.

### ***Bins***

The 3.0m high Bin Store is located to the northeast corner of the apartment building. This is a wooden structure and is c10.7sq.m. This design is deemed acceptable to the Planning Authority.

### ***Drainage & Water Supply***

Irish Water has requested additional information. Their report states *'The applicant has proposed to locate a watermain directly above a proposed underground surface water attenuation system. This is not acceptable as watermains must be a minimum setback distance of 3m from any surface water attenuation systems. The applicant is required to submit a revised site services layout drawing showing that proposed watermains are a minimum of 3m away from proposed surface water attenuation systems.'* Further information is also requested regarding Confirmation of Feasibility from Irish Water regarding water and foul water drainage. Additional information will address the above.



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Water Services has no objection subject to the submission 'of a drawing showing cross sectional details of all proposed SuDS (Sustainable Drainage Systems) features i.e.. Green roofs and Permeable Paving.' This will be requested as additional information.

### ***An Taisce***

An Taisce objects to the development due to the height of the proposed building and the impact on the adjacent protected structure. The Planning Authority requests the applicant to reduce the height of the building through additional information.

### ***AA Screening***

The applicant has not provided information to allow the Planning Authority to carry out Appropriate Assessment Screening. However, having regard to the nature of the development, and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

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

Having regard to the nature and scale of the proposal, it is considered that an EIA can be ruled out at preliminary assessment stage.

### **Conclusion**

The Planning Authority has significant concerns with regard to the proposed development.

- Having regard to the overall height, scale and massing of the proposed development it is considered that the proposal would result in a significantly overbearing impact on the adjacent residential dwellings. The proposed development would significantly affect the residential amenity of the existing dwellings and the established residential character and visual setting of the area. The proposed would not be in compliance with Housing (H) Policy 17 Objective 7 of the County Development Plan and would materially contravene the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore contravene the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.
- Having regard to the close proximity of the proposed development to Protected Structure Map. Ref 094- Ball-Alley House, Lucan, Detached Eight-Bay Two Storey Public House and the overall scale, height and mass of the development it is considered that the proposed structure would appear excessively dominant and would fail to be sympathetic to the scale or architectural interest of the two storey structure. The proposed development would therefore impact on the integrity of the Protected Structure and would therefore contravene Policies HCL3 Objective 2 and HCL5 Objective 4 of the South Dublin County Development Plan 2016 - 2022.
- Insufficient information was provided in relation to SUDs and landscaping.
- The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the

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residential and visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

It is therefore recommended that additional information should be requested.

### **Recommendation**

Request Further Information.

### **Further Information**

- Further Information was requested on 25-August-2021.
- Further Information was received on 07-October-2021.

Further information requested is as follows:

#### **Item 1: Height**

*Having regard to the overall height, scale and massing of the proposed development it is considered that the proposal would result in a significantly overbearing impact on the residential developments to the west and east, and protected structure to the north. The proposed development would significantly affect the residential amenity of the existing dwellings and the established residential character and visual setting of the area. The proposed is not in compliance with policies and objectives of the County Development Plan and therefore a redesign shall be provided by the applicant by way of additional information to significantly reduce the height of the building.*

#### **Item 2: Apartment Standards**

*It is proposed that 28% of the apartments are to be dual aspect which is below the 33% threshold of SPPR4 of the CDP as an intermediate off-street development. Furthermore, one of the two bedroom apartments is below the minimum standards. This is not acceptable to the Planning Authority. The applicant is requested to submit a revised proposals meeting all minimum national and County Development Plan standards.*

#### **Item 3: Public Open Space**

*There appears to be a lack of Public Open Space. The applicant is requested to demonstrate that the proposal meets the requirement of a minimum 10% Public Open Space as required by SDCC County Development Plan 2016-2022. Details of play space proposals to be agreed with the Planning Authority prior to submission. Play Proposals shall include assessable play features. Details of play equipment, and safety surfacing, along with specifications and proof that all play equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground Equipment and Surfacing shall be submitted as additional information. Confirmation is required on the amount of private open space.*

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### **Item 4: Shadow Analysis**

*The applicant has not submitted a shadow analysis to indicate impacts with regard to daylighting of individual apartments and overshadowing of adjacent properties and open space areas. This shall be submitted as additional information.*

### **Item 5: Urban Design**

*Whilst a Design Statement has been submitted with the application, it is noted that a more detailed Urban Design Statement setting out how the development proposal complies with the criteria set out in the 2020 Apartment Guidelines is required in accordance with SPPR 3. It is considered that the proposed development does not sufficiently comply with the criteria in the Building Height guidelines to grant permission, where the provision of the County Development Plan 2016-2022 with regard to building height indicates otherwise, and therefore additional information is requested to reduce the height of the proposal and to include a more detailed urban design statement.*

### **Item 6: ACO**

*The applicant shall liaise directly with South Dublin County Council's Architectural Conservation Officer to discuss a revised proposed design that will address and mitigate the impact on, the Protected Structure. A written statement detailing the discussion to be submitted.*

### **Item 7: Trees**

*It appears that the development requires the removal of street trees in SDCC ownership. A Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan have not been provided. The applicant is requested to submit and agree a comprehensive Tree Report with SDCC Public Realm Section. This shall comprise of a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by a Professional Member of Arboricultural Association who is an independent, qualified Arborist and shall include all of the following:*

- Tree Survey Plan: all trees and hedges on and adjacent to the subject site (i.e. within falling distance thereof) shall be accurately plotted, tagged and shown on a scaled drawing of a topographical survey of the site*
- Tree Survey Schedule: a summary of the surveyed trees and hedges, giving a breakdown of their tag nos., species, size, age, condition and useful life expectancy.*
- Arboricultural Impact Assessment: a thorough, detailed and realistic analysis and assessment of the likely impacts of the proposed development on the surveyed trees and hedges; along with a summary table of the tree population and quantification of impacts/losses etc. (total number surveyed and total numbers/percentage to be retained and felled respectively).*
- Design Iteration- Adjustments, Revisions to Proposed Site Layout: subsequent to and arising from the Impacts Assessment, the applicant's design team [especially arborist, consulting architect(s) and engineer(s)] shall demonstrate in their submission, that it has sufficiently explored and investigated layout alternatives, to achieve an optimal solution that meets South Dublin County Councils Tree Strategy and its Development Plan standards in respect of tree preservation and tree retentions, as appropriate*
- Tree*

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*Constraints Plan: a scaled site plan (1:500@A1) showing the impacts of all surveyed trees in relation to the site layout of the proposed development. • Tree Protection Plan: a scaled site plan (1:500@A1) of the proposed development, clearly showing and distinguishing (by colour coding) those trees and hedges to be retained and protected and those to be removed ; showing alignments of Tree Protection Fencing and areas to be excluded from construction activities and compound(s), site office(s), plant, equipment and materials storage. Root Protection Areas (RPAs') of all trees and hedgerows to be clearly shown on this drawing. • Arboricultural Method Statement: clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan. • Summary Table: Summary of all trees and hedgerow proposed for removal and retention to include numbers and percentages. Provide a summary in table format of the trees to be lost as result of the proposed development and numbers of new trees to be planted as part of the landscape proposals in order to mitigate against this tree loss.*

### **Item 8: Watermain**

*The applicant has proposed to locate a watermain directly above a proposed underground surface water attenuation system. This is not acceptable as watermains must be a minimum setback distance of 3m from any surface water attenuation systems. The applicant is requested to submit a revised site services layout drawing showing that proposed watermains are a minimum of 3m away from proposed surface water attenuation systems.*

### **Item 9: Irish Water**

*The applicant shall engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public wastewater infrastructure for both water and foul drainage. The Confirmation of Feasibility (COF) must be submitted to the planning department as the response to this further information request. Pre-connection enquiries can be made at <https://www.water.ie/connections/get-connected/>.*

### **Item 10: SUDS**

*The applicant is requested to submit a drawing showing cross sectional details of all proposed SuDS (Sustainable Drainage Systems) features including Green roofs and Permeable Paving*

### **Item 11: SUDS features**

*The Planning Authority welcomes the green roof, permeable paving and SuDS tree pits in the drainage proposals. However, overall there is a lack of SuDS (Sustainable Drainage System) for the proposed development. The Public Realm Section consider that the proposed development is contrary to Policy IE2 Objective 5, Policy G5 -Sustainable Urban Drainage Systems and Objectives G5 1 in the County Development Plan. SDCC do not approve of using underground tanks as part of SuDS schemes where the full potential for the natural drainage features has not been explored. Further, natural SUDS features should be incorporated into the proposed drainage system. The applicant is requested to by way of additional information: (1) revisit the design and layout of the proposed development and demonstrate how the*

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*development will comply with these policies and objectives. (2) submit revised plans and particulars addressing item 1 and demonstrate how further natural SUDS features can be incorporated into the design of the proposed development. The SuDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022. (3) The applicant shall show further proposed SuDS features for the development such as SuDS tree pits in all new trees adjacent to hardstanding including replacement street trees, channel rills, swales, and other such SuDS and show what attenuation capacity is provided by such SuDS. (4) All SuDS should be incorporated into the landscape proposals. (5) Details to be provided and a SuDS strategy demonstrating how the SuDS features work, including for the SuDS 'planters'.*

### **Item 12: Splay**

*The applicant/developer is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.0m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).*

### **Item 13: Parking and Access**

*The applicant is requested to submit the following as additional information: (a) A layout showing the access road marked with cycling/pedestrian markings to indicate the shared surface designation of this road. (b) A swept path analysis drawing (i.e. Autotrack or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site. (c) Submit details on location and number of parking spaces to be provided at the development. Please refer to Table 11.23: Maximum Parking Rates (Non-Residential) - from the SDCC County Development Plan 2016-2022. (d) A revised layout showing the car parking, bicycle parking and pedestrian routes within the development. Please refer to Table 11.22: Minimum Bicycle Parking Rates- SDCC County Development Plan 2016-2022. (i) The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users. (ii) All external bicycle parking spaces shall be covered. (iii) Footpath layout shall provide adequate connectivity around the development and footpaths on the main road particularly Ardeevin Drive. (e) Confirm the number of parking spaces to be retained with the pub and rationale for a reduction beyond the requirements of the CDP.*

### **Item 14: Plans**

*The applicant is requested to submit the following as additional information: (1) The legend on the floor plans does not match the layout. The applicant shall provide an updated drawing to ensure legend is correct. (2) The applicant has provided contiguous elevations which is welcomed but they are requested to include exact heights of adjacent buildings for clarity, including the adjacent medical centre and apartment block, pub and residential buildings.*

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### Further Consultations:

<i>Water Services:</i>	<i>No objection subject to conditions</i>
<i>Roads:</i>	<i>Refusal recommended</i>
<i>Parks and Public Realm:</i>	<i>Additional Information Requested</i>
<i>Irish Water:</i>	<i>No objection subject to conditions</i>
<i>Heritage Officer:</i>	<i>No Response</i>
<i>Architectural Conservation Officer:</i>	<i>Refusal recommended</i>
<i>County Architect:</i>	<i>No Response</i>
<i>EHO:</i>	<i>No objection subject to conditions</i>
<i>Housing:</i>	<i>Part V is required</i>
<i>Sustainable Energy Ireland:</i>	<i>No Response</i>
<i>NTA:</i>	<i>No Response</i>
<i>Chief Fire Officer:</i>	<i>No Response</i>
<i>An Taisce:</i>	<i>Objecst to the development</i>

### Assessment

In response to Items 1 to 14 the applicant has submitted a number of documents. The Planning Authority remains concerned that the proposed development would have a serious and negative impact on the existing Protected Structure and the residential and visual amenity of the area and considers that having regard to the unsatisfactory response to the AI request that permission be refused. Assessment of AI response:

#### *Item No. 1- Height*

##### **Assessment:**

The applicant has submitted a cover letter which outlines that there are no proposed changes to the height of the building. Reference is made to the current housing climate and that the site is currently underutilised.

The Planning Authority does not accept the applicant's response. The Planning Authority remains concerned that the overall height, scale and massing of the proposed development, having regard to its location between existing low-rise residential properties, and the orientation of these properties, the proposed development would have a significant overbearing impact on the adjacent residential dwellings. The proposed development would significantly affect the residential amenity of the existing dwellings and the established residential character and visual setting of the area. The proposed development, located within the curtilage of a Protected Structure, would not be in compliance with Housing (H) Policy 17 Objective 7 of the County Development Plan as it would not protect 'existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area' and would materially contravene the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore contravene the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area. The applicant has failed to satisfactorily address Item 1.

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Furthermore, the overbearing impact of the 3/4 storey block on the Protected as viewed from the Leixlip Road would be significant and unacceptable at this location. The application should therefore be refused.

### *Item 2- Apartment Standards*

#### **Assessment:**

In response to Item 2 the applicant has confirmed that there are 43% dual aspect apartments and makes reference to units 7 and 11 (6 in total), which exceeds the 33% threshold set out in SPPR 4. The applicant states that all apartments are above the minimum standards. On review of the revised drawings the apartments appear to meet the minimum standards, although the Planning Authority remains concerned about the depth of the apartments and the challenge for light to penetrate same, especially the north facing apartments.

The Housing Department have advised that a Part V is required to be agreed with the Planning Authority prior to the commencement of development in the event of a grant of permission.

The information submitted for Item 2 is noted.

### *Item 3- Public Open Space*

#### **Assessment:**

In response to Item 3 the applicant has claimed that the public open space has been increased at the front and back of the block, to 29%. The Planning Authority has assessed the modifications below:

	Original Proposal	Additional Information Response
Open Space	Play Item 1 – located in the north-western corner of the site. A sliver of grass and planted area to the north of the block directly located in front of the two ground floor apartment units and beside a footpath and car parking.	Play Item 1 moved to the southeast corner, situated in front of Apartment 2 and beside a carparking space.  A sliver of land wedged between the western footpath and the front façade of Apartment 1.  A sliver of land wedged between the northern car parking spaces and Apartments 3 and 4.

The Planning Authority considers that the proposed slivers of grass, that appear to be incidental to the overall design and not specifically designed for function and use are inappropriate. It is challenging to understand how a sliver of land directly outside Apartment 1 and a small corner of space in the south-west corner can demonstrate any function other than ornamental. The proposed development offering only slivers of space for the use of any future occupants would represent an overdevelopment of the site and should therefore be refused.

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The above is supported by the Parks and Public Realm Department who request that the applicant demonstrate *'that SDCC requirements for Public Open Space and accessible play'* can be met. The Department also raises concerns *'about the lack of accessible Public Open Space with accessible Play.'*

The information submitted for Item 3 is not deemed to be satisfactory.

### ***Item 4- Shadow Analysis***

#### **Assessment:**

In response to Item 4 the applicant has submitted a shadow analysis of the development. This outlines shadowing caused by the proposed development and that caused by the existing trees on site. The shadowing caused by the proposed development mostly impacts on the site itself, with some shadowing impacts on adjacent properties including that of the rear garden of No. 21 Ardeevin Drive (March 21st and September 21st predominantly). The findings of the report are noted. The applicant has responded satisfactorily to Item 4.

### ***Item 5- Urban Design***

In response to Item 5 the applicant has submitted an urban design statement. This statement is very similar to the original design statement submitted with the original application. The Urban Design Statement is deficient in that it does not cover the 12 principles of urban design, which would have helped to inform the overall design for development on this site. The Planning Authority consider this to be unfortunate and the development of the site would benefit from a thorough investigation and Pre-Planning discussions with the Planning Authority. The applicant has not modified the proposed development to a significant degree to allow for a positive decision to be made at this stage. The response to Item 5 is not deemed to be satisfactory.

### ***Item 6- ACO***

In response to Item 6 the applicant provided email correspondence with the Architectural Conservation Officer (ACO). The ACO outlined in this correspondence that a full review of the application will occur through the formal additional information review process.

A report from the ACO states:

*'Given the issues and concerns detailed within the appraisal, it is considered that the proposed development is not acceptable within the context of the site and should therefore be refused for the following reasons:*

*Having assessed the details of the planning application and based on the above it is considered that the applicant has failed to address the overall visual impact that the scale and height of the proposed development will have within this the rear site of a Protected Structure.*



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*It is considered that the proposed development by nature of proximity, scale and height will directly impact on the visual quality of the Protected Structure and visual amenity of the area.'*

The information submitted for Item 6 is not deemed to be satisfactory and does not conform with the appropriate policies of the County Development Plan and 2020 Apartment Guidelines and is not considered acceptable to the Planning Authority. **The application should be refused.**

### ***Item 7- Trees***

In response to Item 7 the applicant has submitted a Tree Protection Plan and Arboricultural Impact Assessment. It outlines the removal and retention of trees. The vegetation for removal includes some Category B Trees. Some compensatory planting is outlined on the landscape plan.

A report from Parks and landscape states the following:

*'There is no tree survey and arboricultural impact assessment. The proposed development in its current configuration involves the removal of street trees in SDCC ownership and would materially contravene Policy IE2 Objective 5, Policy G5 - Sustainable Urban Drainage Systems and Objectives G5 1 in the County Development Plan. There are concerns about the lack of accessible Public Open Space with accessible Play.*

The Public Realm Section has further requested that the applicant provide a tree survey and alter the layout of the proposed development in order to manage surface water fully via sustainable drainage systems that deliver amenity and biodiversity as well as water quality treatment and attenuation and has requested that the applicant demonstrate that SDCC requirements for Public Open Space and accessible play to be met. Considering that the applicant has been reluctant to make the significant modifications that the Planning Authority required at Additional Information stage the proposed development should be refused on parks and landscaping grounds, where there is a significant shortfall of accessible play areas, lack of SUDs, and where a removal of trees in an established area at a Protected Structure would have a severe impact on the visual and residential amenity of the area.

The information submitted for Item 7 is not satisfactory and does not conform with the appropriate policies of the County Development Plan and is not considered acceptable to the Planning Authority. A refusal is recommended.

### ***Item 8- Water main***

In response to Item 8 the applicant has submitted revised water main and drainage drawings.

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Irish Water requests that there is a 3m separation between surface water attenuation and water mains.

The information submitted for Item 8 is generally satisfactory.

### ***Item 9- Irish Water***

In response to Item 9 the applicant has submitted an engineering report, and a letter from Irish Water which confirms that connection is feasible for the proposed development for both water and wastewater.

Irish Water requests that there is a 3m separation between surface water attenuation and water mains.

The information submitted for Item 9 is generally satisfactory.

### ***Item 10- Surface Water Drainage/SUDS***

In response to Item 10 the applicant has submitted revised drawings which provides details on surface water drainage, the green roof, and other SUDs features. These are noted.

### ***Item 11- SUDS features***

In response to Item 11 the applicant has submitted revised drawings which provides details on surface water drainage, the green roof, and other SUDs features.

The Planning Authority considers that the applicant has not satisfactorily demonstrated how the proposed development complies with *Policy IE2 Objective 5, Policy G5 -Sustainable Urban Drainage Systems and Objectives G5 1 in the County Development Plan* and policies objectives in both Chapters 7 and 8 of the current County Development Plan. A full exploration of site to incorporate additional natural drainage features has not been demonstrated.

A report from Water Services recommends conditions be attached in the event of a grant of permission. However, considering the lack of SUDs features overall and the comments from the Parks and Landscape department a refusal is recommended regarding SUDs.

The information submitted for Item 11 is not deemed to be satisfactory.

### ***Item 12- Splay***

In response to Item 12 the applicant has submitted a site layout plan which identifies the requested visibility spays.

A response from Roads states that *'A 45-metre sightline is shown on the submitted drawing. The drawing indicates that the sightline will cross the fence line of the neighbouring property to the east and possibly will be restricted by the neighbouring fence and the existing structure'*.

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The information submitted for Item 12 is not considered to have satisfactorily address the additional information item and therefore does not conform with the appropriate policies of the County Development Plan and 2020 Apartment Guidelines and is not considered acceptable to the Planning Authority. **The application should be refused.**

### ***Item 13- Parking and Access***

In response to Item 13 the applicant has submitted

- (a) a site layout plan which identifies the requested markings. A response from the Roads Department states *'The submitted drawing shows proposed cycle/pedestrian shared surface markings which disconnect in between car parking space no. 8 and 9, shared surface marking shall be unbroken and connecting to path reserved for pedestrian and cyclist.'* This solution is not considered to be acceptable.
- (b) Autotracking drawings which satisfy entrance, exit and site manoeuvrability requirements. The Roads Department states that they are *'not satisfied with the applicant's submission of the Auto-track analysis which demonstrates the turning movements illustrated for a rigid refuse lorry at Ardeevin Drive, and fire tender vehicle turning movements illustrated within the proposed development requires multi-movements to turn such a vehicle in a hazardous manner and is totally dependent on a clear path being available in perpetuity. A continuation of development would endanger public safety by reason of a traffic hazard.'* A refusal is therefore recommended.
- (c) Fifteen spaces are confirmed for the public house at 1 space/40m<sup>2</sup>. These are shown to be located to both the front and back of the pub on the site layout plan. Reference is also made to the availability of public transport in the area. A layout of the pub is not submitted so it is unclear the exact floor area of the pub. The Roads department states *'concerns, with regards to the proposed parking spaces for the existing public house. The applicant has proposed 15 no. car parking spaces for the existing public house and mentioned in the cover letter that it is in line with SDCC CDP. The roads department cannot make any decision as details regarding the existing gross floor area of the existing public house is not submitted by the applicant.'* A refusal is therefore recommended.
- (d) Eight enclosed bike storage spaces are proposed. This satisfies the requirements of the CDP under Table 11.22. The Roads department states *'The applicant has proposed 8 no. of covered bicycle spaces at the proposed development. A reasonable balance between the SDCC CDP 2016-2022 and Apartment Guidelines rates should have been achieved. Roads department recommend that the applicant should provide minimum 20 covered bicycle parking spaces for residents and for visitors at the proposed development.'* This represents a serious shortfall in the provision of bicycle spaces. This is not acceptable.

The Planning Authority has compared and contrasted the original proposal and the modifications made by way of Additional Information and noted the following:

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	Original	Additional Information
Car parking - Southern	The original Site Layout Drawings, Access and Parking Layout Drawings and Landscape Drawings conflicted in the proposed layout and number of car parking spaces at the southern end of the site. The Access and Parking Layout Drawings notated 6 spaces to the south, with access onto Ardeevin Drive (one of which was a mobility impaired space), whilst Drawing No. 3.1.100 - Proposed Site Layout Plan/Roof Plan and the Landscape Design plan – Drawing no. 01, indicated 4 spaces (one of which was a mobility impaired space). Two carparking spaces were fully landscaped.	The southern car parking area modified as follows: <ol style="list-style-type: none"> <li>1. The 6 car parking spaces reduced to 4 (including a mobility impaired space).</li> <li>2. A small section of space in the south-east corner provided as ‘open space’.</li> <li>3. Bin storage placed in the southern west corner.</li> </ol>
Planning Note:	The site layout plan does not clearly show the footpaths, kerbs, entrances to existing properties along Ardeevin Drive, this has made it challenging to assess this aspect of the design. The assessment has also been made challenging through the ambiguity in the submitted drawings. The proposed car parking will be provided where the existing verge/trees jots out into the street with a new verge proposed.	
Car parking - Northern	The original Site Layout Drawings, Access and Parking Layout Drawings and Landscape Drawings conflicted in the layout and number of car parking spaces provided at the southern end of the site. Ten spaces are notated on the Site Layout Plan (Drawing No. 3.1.100 - Proposed Site	The northern car parking area is changed as follows: <ol style="list-style-type: none"> <li>1. 10 car parking spaces proposed 1-8 northern facing perpendicular parking and 9-10 placed in the north-west corner.</li> <li>2. A 2m wide ‘shared surface denoted by 100mm white line’ that will run from the Leixlip</li> </ol>

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	<p>Layout Plan/Roof Plan), numbered 1-10. Car parking spaces 9 and 10 were tucked into the north-western corner of the site outlined in red, beside the bin store.</p> <p>The Access and Parking Layout Drawings differ from the Site Layout Plan and notate 8 spaces, all of which were north facing perpendicular parking spaces taking direct access from the car park associated with the Ball Alley Public House.</p> <p>The Landscape Design plan – Drawing no. 01, follows the design as outlined in the Site Layout Plan.</p>	<p>road entrance along the western boundary turning in a westerly direction and running along the northern boundary (directly behind the Ball Alley car parking spaces 10-15) before turning in a southerly direction to connect to a path connecting to the western entrance to the apartment block.</p> <p>4. A small section of space in the south east corner provided as ‘open space’.</p>
<p>Planning Note:</p>	<p>The northern car parking arrangement will be shared with the Ball Alley Public House. It is proposed to provide a ‘new automated gate’ to manage parking in this area. It is unclear how this will operate. Furthermore, the Planning Authority is concerned that a ‘gated-community’ would be created and where pedestrian/cyclist permeability/connectivity may be lost.</p>	

The information submitted for Item 13 is not considered to satisfactorily address the concerns of the Planning Authority. **A refusal is therefore recommended.**

### ***Item 14- Plans***

In response to Item 14 the applicant has submitted a revised layout plan, and revised elevation drawings which outline the heights of the adjacent buildings. It is noted that the level of the site falls away in a northerly direction by approximately 2m from Ardeevin Drive to the Leixlip Road. The proposed block of apartments would be set below the road level of Ardeevin Drive. Proposed Elevation 3-3 indicates that some form of cut and fill will be required but this is not clearly demonstrated in any of the cross-sections and elevational drawings and it is unclear how this will impact the parking arrangement, open space and footpath at the southern end of the site.

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### ***Other***

The EHO has responded on the application, as they were not able to comment on the original submission. A prior to commencement condition is requested regarding noise due to the proximity to the N4 road, and other noise related conditions regarding operations and construction. In the event of a grant of permission suitable conditions can address these items.

### **Summary**

In summary, the details submitted in response to the request for additional information are not considered to be satisfactory nor acceptable to the Planning Authority and refusal for the proposed development is recommended.

### **Conclusion**

Having regard to the additional information submitted to the Planning Authority; the pattern of development in the vicinity; the proposed development in the grounds of a Protected Structure, the design, height, and layout of the proposed development; the open space layout and tree removal; refuse collection arrangements and parking; and lack of SUDs features; that the application should be refused as it is not in accordance with current policies and objectives of the County Development Plan nor the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

## **SCHEDULE**

### **REASON(S)**

1. (i) Having regard to the overall height, scale and massing of the proposed development, in close proximity to existing low-rise residential properties and located within the curtilage of a Protected Structure (Ref 094- Ball-Alley House) the proposed 4-storey apartment block would result in a significantly overbearing impact and would significantly affect the residential amenity of the existing dwellings and the established residential character and visual setting of the area and would be contrary to Policy 17 Objective 7 of the County Development Plan, which seeks to protect 'existing residential amenities and the preservation of the established character (including historic character and visual setting) and would contravene the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore contravene the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.  
(ii) Having regard to the close proximity of the proposed development to the Protected Structure Ref 094- Ball-Alley House, where the 4-storey structure would be highly visible, and having regard to the overall scale, height and mass of the development it is considered that the proposed structure would appear excessively dominant and would fail

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to be sympathetic to the scale or architectural interest of the two storey structure. The proposed development would therefore impact on the integrity of the Protected Structure and would therefore contravene Policies HCL3 Objective 2 and HCL5 Objective 4 of the South Dublin County Development Plan 2016 - 2022.

2. Having regard to the provisions of the South Dublin County Development Plan, with particular reference to car parking requirements, Green Infrastructure, Sustainable Urban Drainage, functional open space requirements, the proposed development lacks details on the GFA/parking requirements of the existing pub and EV spaces, sightlines, internal unconnected shared surface markings, lacks useable and functional public open space and relies on heavy-engineering solutions to manage surface water drainage, the proposed building located within curtilage of a Protected Structure would constitute an overdevelopment of the site, resulting in a substandard form of development which would seriously injure the residential amenities of future occupants of the proposed apartments, the existing residents in proximity to the site and would seriously injure the amenity afforded by the Protected Structure.
3. The proposed development would result in on-site parking and a vehicular entrance off the R835 which would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The proposed development would contravene materially Policy 3 'Protected Structures' and Objectives HCL3-1 and HCL3-2 of the South Dublin County Development Plan 2016-2022 by:
  - Failing to facilitate sensitive development within the curtilage of Ball Alley House, a Protected Structure. In particular the proposed development would adversely impact the setting of the Protected Structure by way of the cramped location and excessive height of 14 apartments and their associated car parking to the rear of the Protected Structure, the necessity of traffic movements associated in the grounds of the protected structure, the proposed development would not be sympathetic with its special character and integrity.
  - Compromising the visual amenity of the area and unique setting of the Protected Structure, in particular the view of the Protected Structure from along Leixlip Road, and would be unsympathetic with the special character and integrity of the site. The proposed development would represent an overdevelopment of the unique site of a Protected Structure, and would be contrary to County Development Plan policies and objections, and would therefore be contrary to the proper planning and sustainable development of the area.
5. Having regard to the provisions of the South Dublin County Development Plan with particular reference to site access, urban design, and residential amenity, there is inadequate space for a rigid refuse lorry at Ardeevin Drive, and fire tender vehicle turning movements illustrated within the proposed development require multiple movements to turn such a vehicle in a hazardous manner which is totally dependent on a clear path being available in perpetuity where none has been proposed. The proposed arrangements for

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service and emergency vehicles would endanger public safety by reason of a traffic hazard and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

6. The proposed development would give rise to a substandard level of residential amenity for future occupants by reason of the configuration of the proposed open space and accessibility to active play areas, and removal of existing trees, (it appears that the development requires the removal of street trees in South Dublin County Council's ownership, where no agreement has been submitted), furthermore, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan have not been provided by the applicant. The proposed development would seriously injure the residential amenities of future occupants and would be contrary to current County Development Plan policy on the provision of functional open space and green infrastructure and would therefore, be contrary to the proper planning and sustainable development of the area.
7. The proposed development has not explored the full potential for the inclusion of natural drainage/SUDS features within the design, this is specifically unsatisfactory given the proposed loss of trees and vegetation to provide for the development and the location of the site within the curtilage of a Protected Structure and the proposed development would be deficient in Blue/Green Infrastructural methods and therefore would contravene policies and objectives of the current county development plan and would be contrary with the proper planning and sustainable development of the area.



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REG. REF. SD21A/0179

LOCATION: Ball Alley House, Leixlip Road, Lucan, Co. Dublin



**Tracy McGibbon,  
A/Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

**Date:** 04/11/2021



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