

# Comhairle Chontae Atha Cliath Theas

**PR/1534/21**

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

**Reg. Reference:** SD21B/0517      **Application Date:** 06-Oct-2021  
**Submission Type:** New Application      **Registration Date:** 06-Oct-2021

**Correspondence Name and Address:** Joe Fallon Architectural Design Ltd. 1A, Ryland Street, Bunclody, Co. Wexford

**Proposed Development:** Demolition of existing 3sq.m boiler house/utility and chimney in rear garden abutting neighbouring structure; erection of 10 (19.5sq.m) roof mounted PV panels, 7 to the front and 3 to side of dwelling; all associated site works.

**Location:** 13, Glendown Court, Templeogue, Dublin 6W, D6WHN30

**Applicant Name:** Christina & Aidan Meade

**Application Type:** Permission

(COS)

### **Description of Site and Surroundings**

The subject site is located on Glendown Court within an existing housing estate in Templeogue. The site consists of a semi-detached, two-storey dwelling with a hipped roof. The streetscape is characterised by semi-detached housing of a similar character and form.

Site Area: stated as 0.027 Hectares.

### **Proposal**

Permission is being sought for the demolition of existing 3sq.m boiler house/utility and chimney in rear garden abutting neighbouring structure; erection of 10 (19.5sq.m) roof mounted PV panels, 7 to the front and 3 to side of dwelling; all associated site works.

### **Zoning**

The subject site is subject to zoning objective RES – *'To protect and/or improve residential amenity'* under the South Dublin County Council Development Plan 2016-2022.

### **Consultations**

Water Services – no objections subject to conditions.

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SEA Sensitivity Screening – the site overlaps with Record of Monument and Place Duchas No. 022-003 Watercourse Poddle River. However, it is noted that the existing Poddle River is not in close proximity to the subject site.

### **Submissions/Observations /Representations**

None.

### **Relevant Planning History**

None traced to subject site.

### **Relevant Enforcement History**

None recorded for subject site according to APAS.

### **Pre-Planning Consultation**

None recorded for subject site according to APAS.

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

*7 Infrastructure & Environmental Quality*

*Policy IE1 Water & Wastewater*

*Policy IE2 Surface Water & Groundwater*

*Policy IE3 Flood Risk*

*Policy IE5 Waste Management*

*Policy IE6 Environmental Quality*

*8 Green Infrastructure*

*Policy G5 Sustainable Urban Drainage Systems*

*9 Heritage, Conservation & Landscapes*

*Policy HCL2 Archaeological Heritage*

*Policy HCL12 Natura 2000 Sites*

*10 Energy*

*Policy E1 Responding to European and National Energy Policy & Legislation*

*It is the policy of the Council to respond to the European and National Energy Programme through the County Development Plan – with policies and objectives that promote energy conservation, increased efficiency and the growth of locally based renewable energy alternatives, in an environmentally acceptable and sustainable manner.*

*Policy E2 South Dublin Spatial Energy Demand Analysis*

*It is the policy of the Council to implement the recommendations of the South Dublin Spatial*

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*Energy Demand Analysis (SEDA) in conjunction with all relevant stakeholders, promoting energy efficiency and renewable energy measures across the County.*

*E2 Objective 2:*

*To seek to reduce reliance on fossil fuels in the County by reducing the energy demand of existing buildings, in particular residential dwellings.*

*E2 Objective 3:*

*To promote the generation and supply of low carbon and renewable energy alternatives, having regard to the opportunities offered by the settlement hierarchy of the County and the built environment.*

*E2 Objective 4:*

*To support the recording and monitoring of renewable energy potential in the County in partnership with other stakeholders including the Sustainable Energy Authority of Ireland (SEAI) and City of Dublin Energy Management Agency (CODEMA).*

*Policy E3 Energy Performance in Existing Buildings*

*It is the policy of the Council to promote high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings.*

*Policy E7 Solar*

*It is the policy of the Council to promote the development of solar energy infrastructure in the County, in particular for on-site energy use, including solar PV, solar thermal and seasonal storage technologies. Such projects will be considered subject to environmental safeguards and the protection of natural or built heritage features, biodiversity and views and prospects.*

*11 Implementation*

*Section 11.3.1 Residential*

*Section 11.3.1 (iv) Dwelling Standards*

*Section 11.5.1 Archaeological Heritage*

*Section 11.6.1 Water Management*

*Section 11.6.5 Waste Management*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.7.5 Solar Energy*

*Development proposals for solar energy development must:*

- *Prioritise south facing aspects and have an inclination of between approximately 35 and 50 degrees, depending on the use of solar PV or solar thermal technologies,*
- *Be designed to take account of over-shadowing from other solar installations on site and from existing elements of the built environment such as chimneys, parapet, roof plant equipment, taller buildings and structures in the immediate vicinity,*

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- *Ensure that the siting and design of proposals have regard to the visual amenities of the surrounding area, and*
- *Consider the provisions of the Water Framework Directive, Habitats Directive and other environmental and built heritage issues.*

*Section 11.8.1 Environment Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

### **Relevant Government Guidelines**

- Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).
- Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).
- Climate Action Plan, Government of Ireland, 2019.
- Ireland's transition to Low Carbon Energy Future 2015-2030, Department of Communications, Climate Action and Environment, (2015).
- Towards Nearly Zero Energy Building in Ireland – Planning for 2020 and Beyond, Department of the Environment, Community and Local Government (2012).
- National Renewable Energy Action Plan – NREAP.
- Delivering a sustainable energy future for Ireland – the Energy Policy Framework 2007-2020.
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

### ***Zoning and Council Policy***

The subject site is zoned objective RES – *'To protect and/or improve residential amenity'* under the County Development Plan. In terms of policy, there is significant policy support within the current County Development Plan to support and encourage the provision of climate adaptation measures inclusive of the provision of PV panels, such as that of the proposed development.

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In particular, policy promotes the use of renewable energy sources as part of existing development under Policy E3 Energy Performance in Existing Buildings, which states that *It is the policy of the Council to promote high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings.*

Policy E7 Solar is also noted where it states that *It is the policy of the Council to promote the development of solar energy infrastructure in the County, in particular for on-site energy use, including solar PV, solar thermal and seasonal storage technologies. Such projects will be considered subject to environmental safeguards and the protection of natural or built heritage features, biodiversity and views and prospects.*

The principle of the development to install PV panels on the roof of an existing residential dwelling, is generally consistent with the zoning objectives and policies of the County Development Plan, subject to site-specific assessment below.

### ***Visual and Residential Amenity***

The proposed development would provide for the demolition of the existing boiler and utility structure and chimney and erection of 10 PV panels. The existing structure, totalling approx. 3sq.m in area, (measuring approx. 1.3m by 2.8m externally) and chimney are located in the rear garden and abuts a similar structure on the neighbouring property at No. 11 Glendown Court. The demolition of the structure is acceptable.

Of the 10 PV panels for installation, 7 panels would be located on the front slope of the hipped roof and 3 on the side slope. It is noted that the front and side slopes are south-west and south-east facing. The total area of the PV panels would equate to approx. 19.5sq.m. The panels would be sufficiently setback from the edges of the roof. It is not clear from the submitted material what distance is proposed between the plane of the roof and the panels. This should be conditioned in the event of a grant of permission. The panels would therefore have an acceptable impact in terms of visual and residential amenity.

### ***Services and Drainage***

Water Services has reviewed the proposed development and has no objections, subject to standard conditions. This report is noted and should be conditioned as such.

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

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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.

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### ***Screening for Appropriate Assessment***

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Development Contributions**

The proposed development consists of the demolition of a structure and installation of 10 PV panels of an area of approx. 19.5sq.m.

The South Dublin Development Contributions Scheme 2021 – 2025 under section (xvi) states that, '*renewable energy development with a capacity up to 0.5MW will be exempt*'.

The proposed 10 PV panels would be below the charge of levy capacity of 0.5 MW.

### **SEA monitoring**

Building Use Type Proposed: Demolition & PV panels

Floor Area: N/A

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.027 Hectares.

### **Conclusion**

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022, in particular those set out in Section 10 Energy,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

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### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. PV Panels  
The distance between the plane of the roof and the panels shall not exceed 15 centimetres unless otherwise agreed in writing with the Planning Authority.  
REASON: In the interests of visual and residential amenity.
3. Drainage - Surface Water
  - (a) All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal
  - (b) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
  - (c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
4. Minimise Air Blown Dust.  
During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.  
REASON: In the interest of public health and to uphold the Council's policies set out in

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the South Dublin County Council Development Plan.

### **5. Construction Noise and Hours.**

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

**REASON:** In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

**NOTE:** The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

**NOTE:** The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.



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**REG. REF. SD21B/0517**

**LOCATION: 13, Glendown Court, Templeogue, Dublin 6W, D6WHN30**

*jjohnston*

**Jim Johnston,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:**

30/11/21

  
**Eoin Burke, Senior Planner**