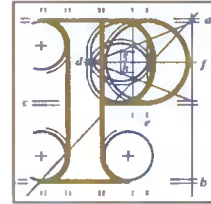


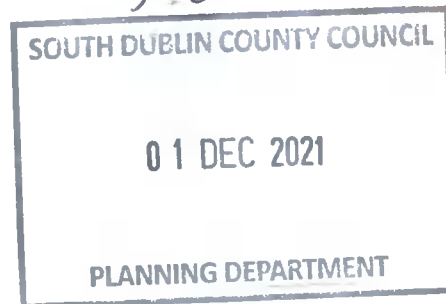
Our Case Number: ABP-312065-21

Planning Authority Reference Number: SD21A/0179



An
Bord
Pleanála

J.O.T.



South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 30 November 2021

Re: Removal of hedging, removal of 52 car parking spaces, construction of a 4-storey apartment building containing 14 apartments with balconies, access from existing vehicular and pedestrian entrance from Leixlip Road (R835) and from proposed new vehicular and pedestrian access from Ardeevin Drive and associated site works.
Ball Alley House (Protected Structure), Leixlip Road, Lucan, Co. Dublin

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter**, the following documents:-

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a **certified** copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Teil (01) 858 8100
Glao Áitiúil 1890 275 175
Facs (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP- _____) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Liam Halpin
Direct Line: 01-8737280

BP07 - Xmas

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

FIRST PARTY APPEAL

AGAINST SOUTH DUBLIN COUNTY COUNCIL DECISION TO REFUSE PLANNING PERMISSION FOR DEVELOPMENT AS DESCRIBED BELOW

On behalf of:

Gerry Teague

By

CDP Architecture,
4 The Mall, Main Street, Lucan Village, County Dublin.

Applicant:

Gerry Teague

Site Address:

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

Full Development Description:

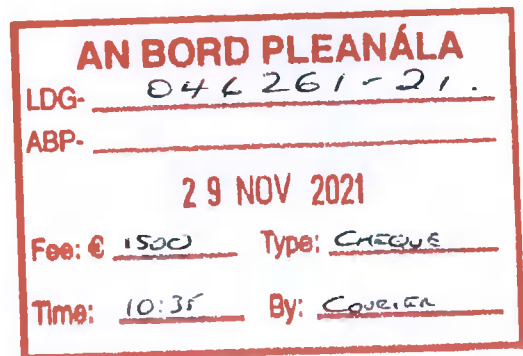
Removal of selected hedging, the removal of the existing 52 car parking spaces and the construction of a 4-storey apartment building with setbacks at third floor level, total 14 apartments comprising of 1 one-bedroom, 11 two bedroom; 2 three bedroom apartments, all with associated private open spaces 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).

Planning Authority: South Dublin County Council.

SDCC Register Reference No. SD21A/0179

SDCC Decision Date: 4th November 2021

Last day to lodge an Appeal to ABP: 1st December 2021



Planning Appeal Check List



(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).
2. State the -
 - name of the appellant GERRY TEAGUE
(not care of agent)
 - address of the appellant BALL ALLEY HOUSE, LEIXLIP ROAD,
(not care of agent) LUCAN, CO. DUBLIN
3. If an agent is involved, state the -
 - name of the agent CDP ARCHITECTURE
 - address of the agent 4, THE MALL, MAIN STREET,
LUCAN VILLAGE, CO. DUBLIN
4. State the Subject Matter of the Appeal*
Brief description of the development FIRST PARTY APPEAL TO
DECISION TO REFUSE BY SDCC
 - Location of the development BALL ALLEY HOUSE, LEIXLIP ROAD,
LUCAN, CO. DUBLIN
 - Name of planning authority SOUTH DUBLIN COUNTY COUNCIL
 - Planning authority register reference number SD21A/0179

** Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.*
5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Enclose/Pay the correct fee for the appeal and, if requesting an oral hearing of same, the fee for that request see "Guide to Fees Payable" under heading of Making an Appeal on Home Page of this website for current fees.
8. Ensure that the appeal is received by the Board in the **correct manner** and **in time**

A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000, as amended. Substitute 'observer' for 'appellant' and 'submission/observation' for 'appeal' at each reference. Item 6 and that part of 7 concerning an oral hearing request are not applicable to the making of submissions or observations.

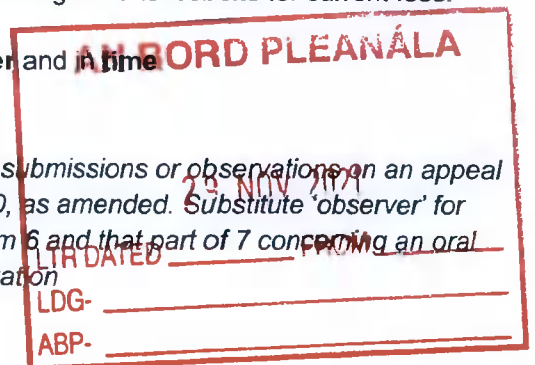


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1.0 Introduction

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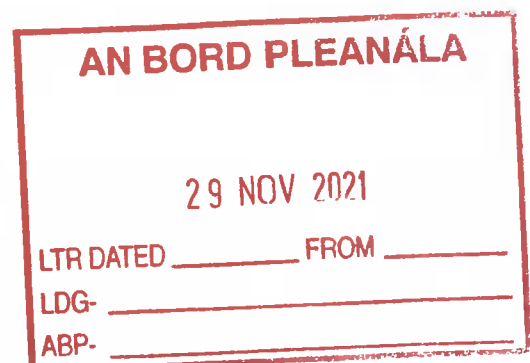
5.0 Conclusion

6.0 Accompanying Documentation

Appendix A: South Dublin County Council to Refuse Permission SD21A/0179

Appendix B: Chief Executive Order under SD21A/0179

Appendix C: Revised Drawings as prepared by Molony Millar Consulting Engineers



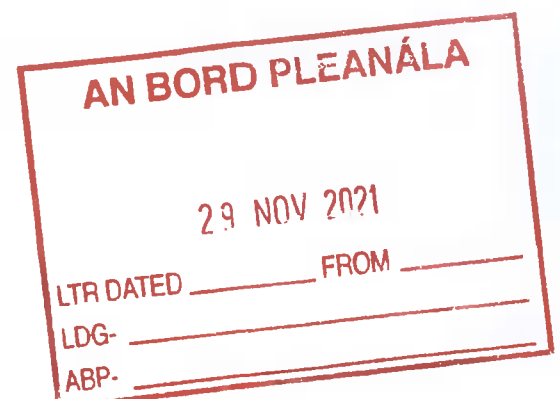
1.0 Introduction

On behalf of the Applicant, we wish to lodge this 1st Party Appeal to An Bord Pleanála appealing South Dublin County Council to refuse planning permission for 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).

The grounds of the appeal are set out below and a copy of a Notification to Refuse Planning Permission Register Ref. No. SD21A/0179 by South Dublin County Council, is attached under Appendix A. The appeal fee of **€1500.00** is also attached, based on the current An Bord Pleanála (ABP) schedule of fees for commercial development (i.e., more than a single residential unit).

The appeal should be read in conjunction with the original planning pack and additional information pack lodged with South Dublin County Council and the accompanying appendices to this appeal.



2.0 Planning Authorities Assessment

We have responded to items raised by South Dublin County Council, in their assessment of the application, within the Chief Executives Order, (attached under Appendix B) and have addressed each of the items. Our responses are in green for ease of reference.

The Planning Officer states the following regarding proposed residential use:

"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 09.4"

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding Density:

"The proposed density is approximately 83 units per hectare, based on the site area of 0.158ha. 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"

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding Apartment Sizes:

"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."

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding Dual Aspect Units:

"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."

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding distances to neighbouring properties and the Protected Structures:

"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."

"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 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."

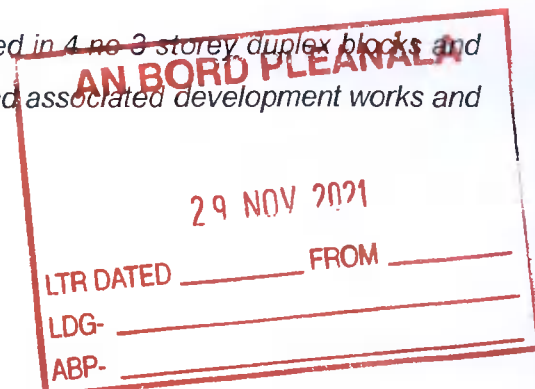
Response:

Please note that the dimension from the rear of the original protected structure is 35m to the proposed development, the extensions to the rear of the Ball Alley House are noted as modern extensions, the dimensions to these modern elements are over 30m to the proposed development. Please see Architectural Heritage Impact Assessment as carried out by Grade 1 Conservation Architect, John Greene, lodged as part of the original planning submission to SDCC.

It should also be noted that SDCC and An Bord Pleanala previously granted The Orchards development, in close proximity to the subject site, which consist of a 3-storey pitched roof apartment development, under Reg. Ref. No. S98A/0153 & S99A/0503. Description of development read as follows:

SD98/0153

"118 apartments consisting of 31 x 2 bed and 29 x 3 bed. and 2 x 4 bed in 4 no. 3 storey duplex blocks and 48 x 2 bed and 8 x 3 bed. in 2 no. 3 storey plus mansard floor blocks and associated development works and demolition of existing house."



SD99/0503

"Alterations to approved layout, Reg. Ref. PL 06S.108364 to give 24 no. 2 bed apartments in two storey with mansard floor blocks over basement parking, in lieu of 16 no. (8 x bed, 8 x 3 bed) apartments in three storey duplex block and associated development works."



Reference Image 1: Map showing distances to neighbouring buildings from granted development for

As noted in the above reference image 1, the distances between the existing built form of The Orchard development, protected structures and existing dwelling houses have been indicated as per OS map detail information.

From the information we have, a distance of just over 6m is between the apartment block known as 'The Cox' within The Orchard apartment complex of buildings and the protected structure Gardenville (RPS No. 84). This increases to just shy of 16m at the opposing corner of the apartment block back to the protected structure.

AN BORD PLEANÁLA
29 NOV 2016
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

The distances to the other adjacent dwelling units can also be seen in the Reference Image 1.

Dimension of just shy of 15m between 23 Ardeevin Drive and the apartment block known as 'The Sarsfield' with The Orchard development, see windows overlooking the rear of this dwelling house – something which is not present within the subject site and proposal

Another dimension to note is that between Ardfield House, not noted with SDCC Protected Structure list, however, it is a building of note within the National Inventory of Architectural Heritage. A mere 4.3m is between 'The Bramley' apartment block and Ardfield House. From these comparisons to what has been previously granted by SDCC and An Bord Pleanala, to that of the proposed subject site and development, it is evident that there are therefore no issues in relation to separation distances and being in close proximity to residential dwellings / units.

It must be further noted the level difference between the previously granted, and construction Orchards development and the adjacent properties. This level difference can be seen in the following extracts from Google Streetview and Site Photos.



View from front of Protected Structure Gardenville, Primrose Lane, Lucan with The Orchard Apartment block known as 'The Cox' in the background



View from junction of Lucan Road and Main Street Lucan, facing towards Gardenville, Primrose Lane, Lucan with The Orchard Apartment block known as 'The Cox' in the background



View from front of Ball Alley Public House, looking back on Ardfield House along Lucan Road with The Orchard Apartment block known as 'The Bramley' in the background



View from within subject site looking towards No. 23 Ardeevin Drive and The Orchard Apartment Development (3-storey with pitched roof)



View looking back along Leixlip Road with The Orchard Apartment block known as 'The Braeburn' in the background and the proposed development

AN BORD PLEANÁLA

29 NOV 2021

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ABP- _____

The Planning Officer states the following regarding Proximity to amenities and services:

"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."

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding impact on the Neighbouring Properties:

"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."

Response:

The above comment and confirmation are welcomed. It should also be noted that the reasons for not having windows on these elevations was to negate the overlooking and privacy issue, which has been achieved. For this reason, it is unclear as to how the proposal could be significantly overbearing and affect the neighbouring properties, as further noted within the reasons for refusal.

The Planning Officer states the following regarding the proposed 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."

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding proposed car parking:

"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."

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding proposed cycle parking:

"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."

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding proposed bin storage:

"The 3.0m high Bin Store is located to the northeast corner of the apartment building. This is a wooden structure and is c107sq.m. This design is deemed acceptable to the Planning Authority."

Response:

The above comment and confirmation are welcomed.

The Planning Officer states the following regarding Shadow Analysis:

"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."

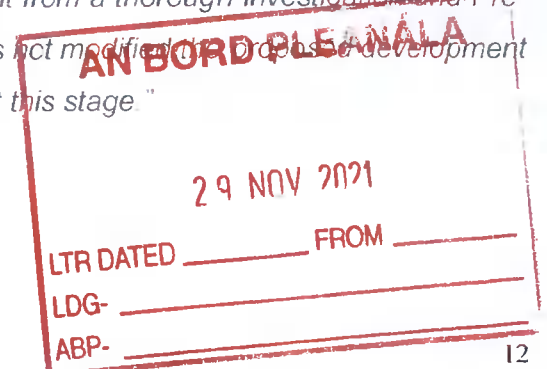
Response:

Please note that the local authority confirmed that the contents of the report were satisfactory, and therefore would be the understanding that the scale, height and massing of the proposal is therefore acceptable, as it is not impacting on the existing Protected Structure, or neighbouring properties to the degree that it may seem by reading the planners' reasons for refusal.

For this reason, along with the comments made with regards to the perceived overlooking of adjacent properties which were already nullified in the design, it is unclear as to how the proposal could be significantly overbearing and affect the neighbouring properties.

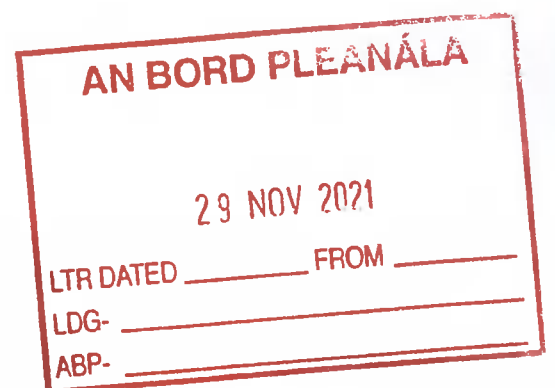
The Planning Officer states the following regarding Urban Design:

"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."



Response:

Please note the 12 principles of urban design were noted and responded to in relation to the proposed development within the revised urban design statement as issued to the local authority at Additional Information stage. It is for this reason that the above comment is therefore unfounded.



3.0 Reasons for Refusal + Associated Response

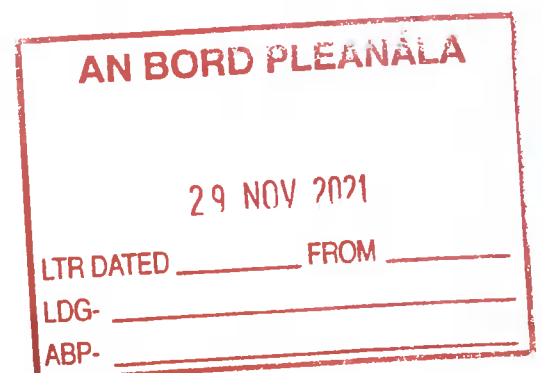
We have responded to each item raised by South Dublin County Council (attached under Appendix A) and have addressed each of the items. Our responses are in green for ease of reference.

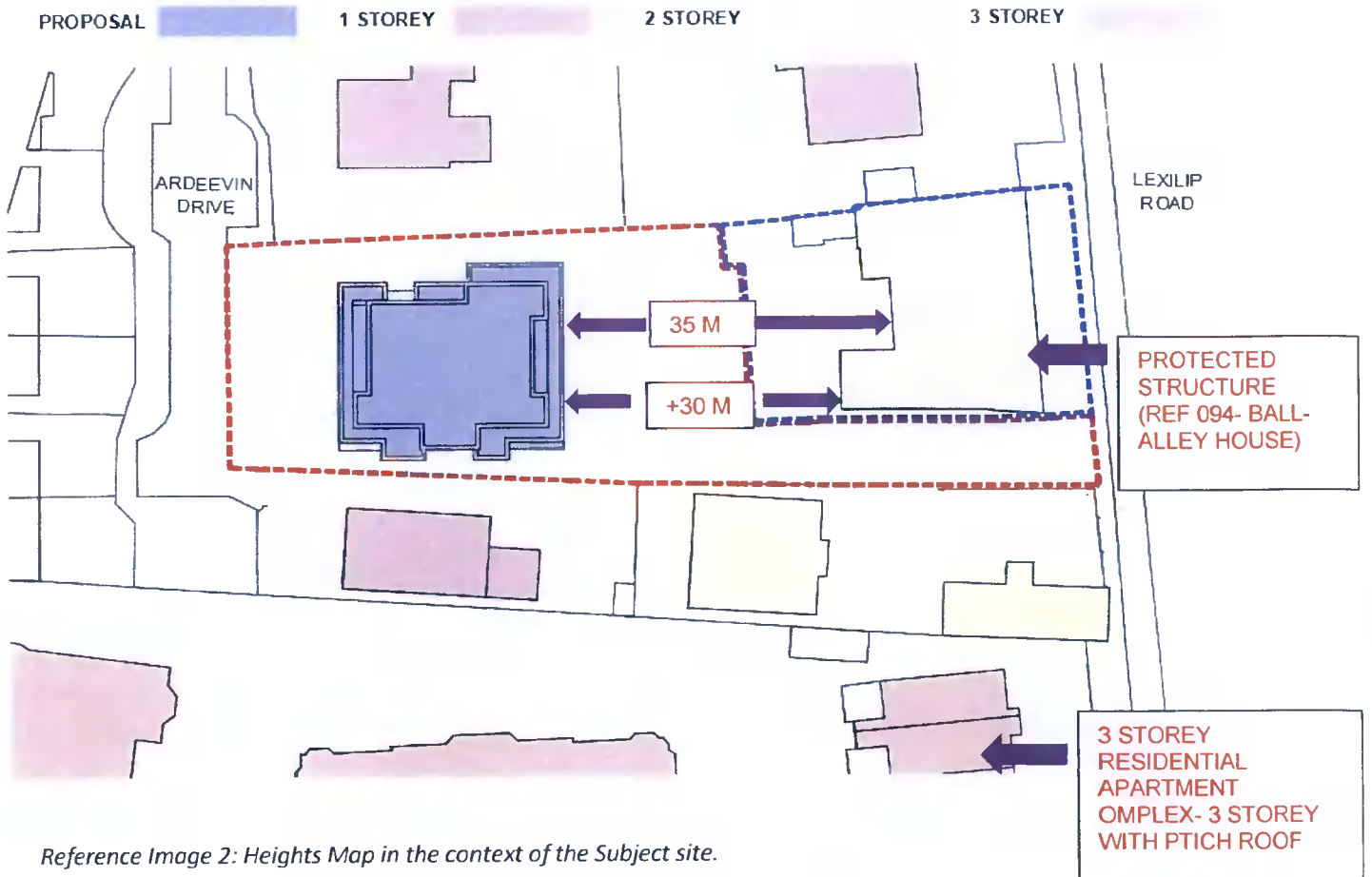
- 1) (i) *Having regard to the overall height, scale and massing of the proposed development, in close proximity to existing low-rise residential properties and located within the curtilage of a Protected Structure (Ref 094- Ball-Alley House) the proposed 4-storey apartment block would result in a significantly 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.*

Response:

Given that the proposal is for a 4-storey flat roof apartment building with a set back at third floor level, the proposed building height, considering the context, of the form and mass of the adjoining properties that range from 1 storey low-rise residential buildings to 3 storey pitched roof residential apartment complex (the Orchard), is in keeping with councils Policy's as later noted.

As demonstrated earlier within this appeal response, in addition to the significant setback of 35 meters from the original building line of the Protected Structure (Ref 094- Ball-Alley House), the treatment of the proposal, together with the density achieved which is considered acceptable on this site according to South Dublin County Councils policies and objectives of the SDCC County Development Plan 2016-2022, which makes effective use of zoned lands and existing and planned infrastructure and services in close proximity to town, district or local centres. It is therefore to be considered that the proposed height for the subject development is appropriate for this location. Please see Reference Image 2 and 3 below which demonstrated the varying heights in the adjoining buildings and sites which the proposal will add to.





Reference Image 2: Heights Map in the context of the Subject site.

AN BORD PLEANÁLA

29 NOV 2021

TR DATED	FROM	BALL ALLEY HOUSE (6.7 mm HIGH)
10 STOREY HOUSES ALONG ARDEEVIN DRIVE (8.6 mm HIGH)		

2 STOREY MEDICAL CENTRE BUILDING (BUILDING HEIGHT IS 9.2 mm AND RIDGE IS HIGHER THAN BALL ALLEY HOUSE PROTECTED STURCTURE)

RIDGE HIGHT OF HOUSES ALONG ARDEEVIN CT

Reference Image 3: Google Map Image Highlighting subject site and adjacent buildings

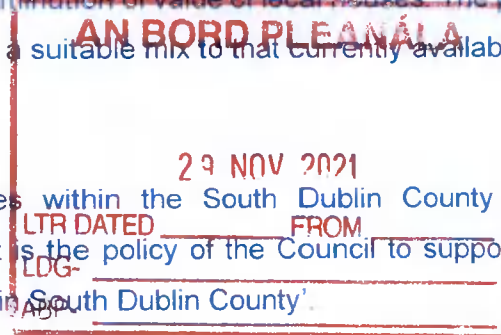
Furthermore, to the above and in relation to density and underutilised sites, it is clearly outlined in the National Development Plan 2018 – 2027 / Project Ireland 2040 that both the need for housing and the strategy to build the required supply results in the need to build a higher density and scale and in a more compact form within both urban and rural environments. It is on this basis that the subject application should be supported. The application seeks to increase density on an underutilised residential zoned site, which is available for development. Cognisance must be taken of the current housing climate and the need for these types of private developments, to meet Government, set housing targets and the verified demands. It is also noted earlier in this appeal response that the council were in acceptance of the proposed density of the site, which is welcomed.

With regards to impact on residential amenity, it should be noted that the proposal has been designed as to mitigate against any direct or perceived overlooking. This has been achieved through the proposed internal layout, whereby all habitable rooms i.e., bedrooms and living areas have been placed to the front and rear of the property, therefore negating any overlooking that might occur. As well, a detailed shadow analysis was prepared as part of the Additional Information request from South Dublin County Council, which illustrates that the proposed development has a minimal impact with regards to overshadowing onto adjacent properties, which SDCC were in acceptance of.

Moreover, the residential use of the proposal is seen as compatible and acceptable to SDCC with the existing neighbouring use and activities, furthermore it is considered that a development of this nature will positively encourage further development in the vicinity. A precedent in this regard would be considered positive

It should also be noted that there are several instances where apartment units similar to the proposed development have been built which did not result in the diminution of value of local houses. The proposal is for the provision of 14 No. Apartments which provides a suitable mix to that currently available within the local market.

Furthermore, the Residential Building Heights policies within the South Dublin County Council Development Plan 2016 – 2022 states the following: 'It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County'.



Under the various objectives the following should be noted.

'H9 Objective 1: To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity'.

The current proposal can be supported on the basis that it provides variety in the existing building height. It contributes to the sense of place while creating visual diversity in that it is contemporary in design, material, and detailing

'H9 Objective 2: To ensure that higher buildings in established areas respect the surrounding context'

The proposal relates to an existing context of which there is a proposed change in height from a 2 storey public house premises to the 4-storey proposal with a setback on the third floor with flat roof, back to a 2-storey dwelling then again to a 3 storey apartment building with pitched roof (The Bramley, The Orchard). This minimal change in building height can be supported based on its minimal impact on the streetscape together with the achievement of a suitable density.

'H9 Objective 3: To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height)'

Again, the proposal relates to an existing context of which there is a proposed change in height from a 2 storey public house premises to the 4 -storey proposal with a setback on the third floor, back to a 2-storey dwelling. This is considered to be a gradual change, in particular given the set back of the proposal and the overall level of the site level.

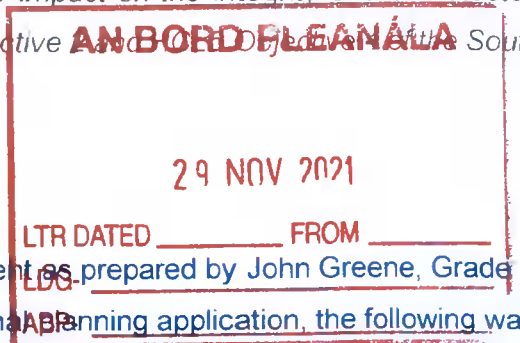
'H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme'

This objective does not relate to the current proposal for a 4-storey building, with set back on the third floor.

(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 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 1 and 2 of the South Dublin County Development Plan 2016 - 2022.

Response:

As noted within the Architectural and Built Heritage Assessment as prepared by John Greene, Grade 1 Conservation Architect, which was lodged as part of the original Planning application, the following was said in relation the proposed development, ***"The proposed development is considered to have a***



neutral impact on the Architectural Heritage of the Protected Structure on the site.” and in relation to neighbouring built heritage, **“The proposed development is considered to have a neutral impact on the Architectural Heritage of Protected Structures in the vicinity of the site.”**

Along with Mr. Greene's valued assessment and conclusion, the separation distances that are between the proposed building and the protected structure of 30+m to the rear of the modern extensions to Ball Alley House, and 35+m to the original building of Ball Alley House, it is not clear why the council are determining that the scale, height and massing would be dominant, given the great separation distance. Unlike that which exists between Ardfield House (NIAH) or Gardenville (RPS No. 84) and The Orchard Apartment Development, which were previously granted by SDCC and An Bord Pleanála for a 100+ apartment development. Please refer back to Reference image 1 under section 2.0 above along with annotated views of the existing developments and above-mentioned properties.

The subject application for a mere 14no. units, is fair less great than that of The Orchard in all comparisons, be it impact on neighbouring properties, on protected structures or otherwise

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 serious injure the amenity afforded by the Protected Structure*

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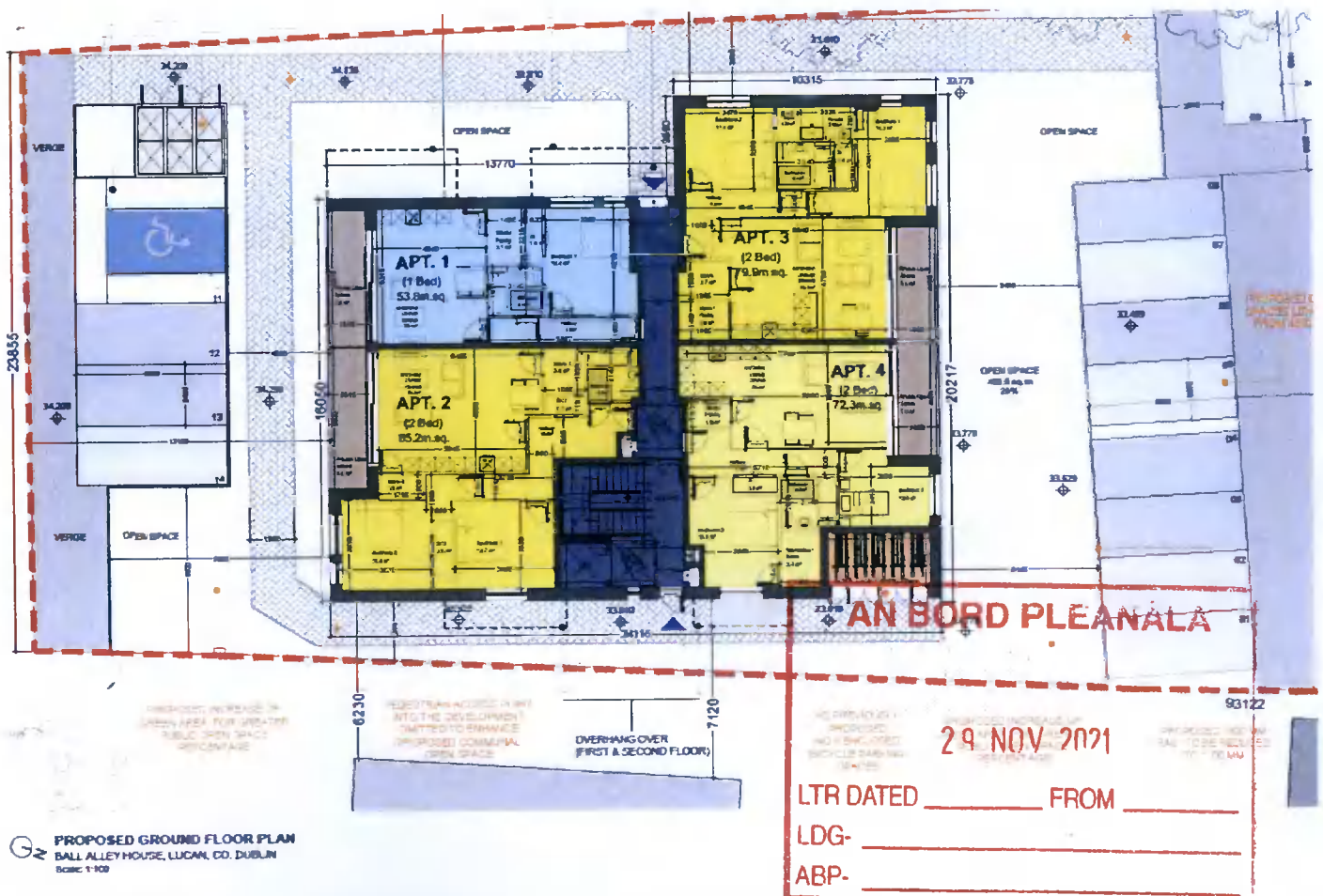
Response:

The proposed car parking provision is in accordance with Table 11.24 (Maximum Parking Rates – Residential Development) of the South Dublin County Council Development Plan 2016 – 2022, although as the proposed development is in close proximity to a public transport network (Dublin Bus), allows for a reduction in reliance on Car usage.

Furthermore, with regards to parking requirements of for the existing pub (Ball Alley House) As per Table 11.23: Maximum Parking Rates (Non-Residential) - from the SDCC County Development Plan 2016-2022 states that 1 car parking spaces is required for 40sqm of Bar/Club in zone 2 our current proposal Retains 15 car parking spaces which are located to the front and back of the Ball Alley House. And is designated for the use of ball alley house only (please see below reference image 3, 4 and 5 which highlights the location of car parking spaces to be retained for the ball alley house).

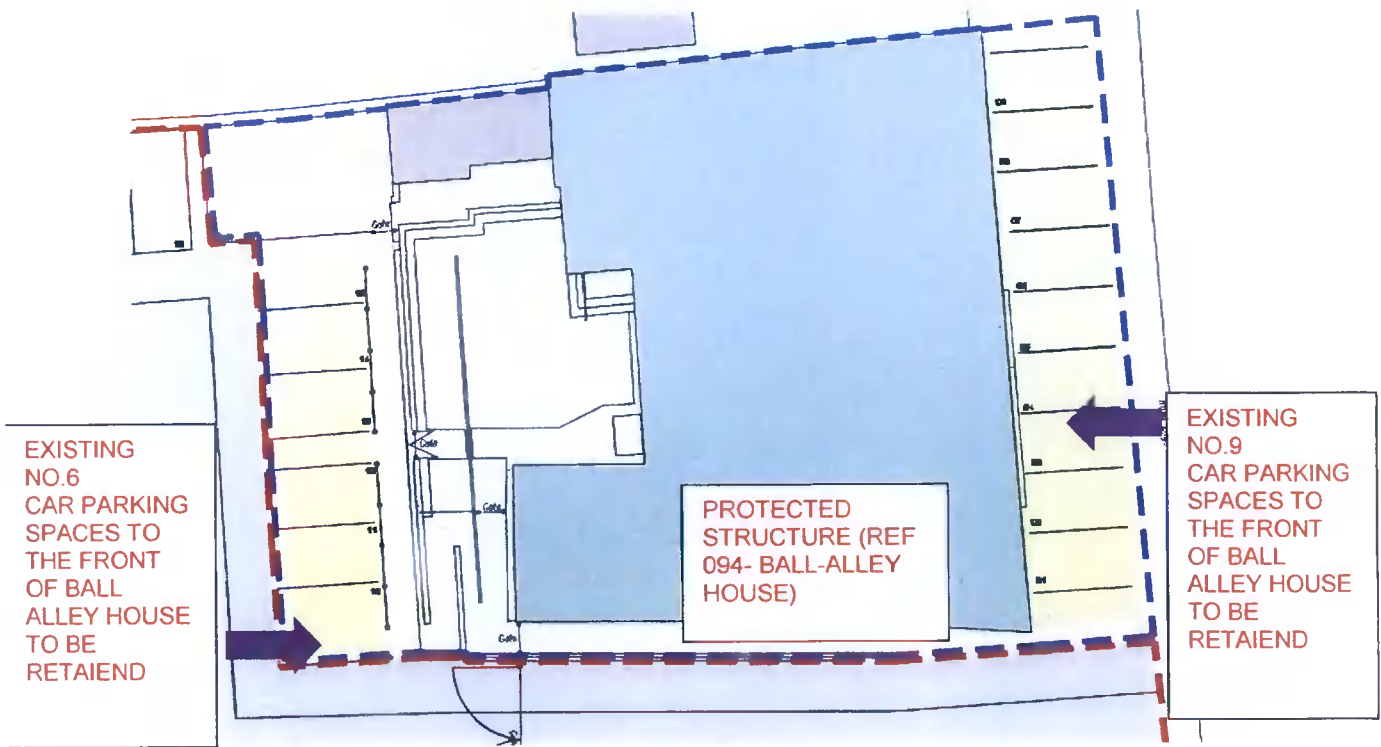
Moreover, given that the proposed development is easily accessible by a range of transport modes including cycling and walking, has sufficient good quality short stay car parking close to the core area, good transport linkages within the centre, and the majority of the regulars to the ball alley are locals who live within the Lucan town area, the number of car park provided for the proposed development is deemed to be sufficient, which is also reconfirmed by the following assessment within the Chief Executives Order. These contradictions have occurred on a number of occasions between the assessment and the reasons for refusal – please see below CEO Assessment extract in relation to parking and access:

“The auto tracking 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”.



Reference Image 4: Proposed Site Plan showing car parking proposed along Ardeevin Drive, consisting of 4no. car spaces, following amendments made at additional information stage.

Please also see below Reference images 5-7 in relation to the existing car spaces being retained for use of the Public House



Reference Image 5: Proposed Site Plan Highlighting Ball Alley House (green) & existing car parking spaces to be retained for the ball alley (yellow)



Reference Image 6: existing car parking spaces to the front of Ball Alley House to be retained for the use of the Bar/Restaurant



Reference Image 7: existing car parking spaces to the back of Ball Alley House to be retained for the use of the Bar/Restaurant

With regards to the public open space within the development counts for 29% of the overall site and is above the minimum requirements set out in section 11.3.1 residential quality in South Dublin County Councils Development Plan 2016-2022. Considering the limitation of the infill site in mind the proposed open space within the proposal is deemed sufficient. Thus, contributes to the public domain and is accessible to the occupants for the purpose of active and passive recreation and provides for biodiversity and the maintenance of wildlife habitats in new residential developments by way of soft landscaped area being introduced. The proposed locations of the open spaces within the development (to the front and rear of the proposal) plays an integral role in providing privacy, security and addresses any overlooking issues that might occur between neighbours and the pub. Thus, the council's claim that the proposal lacks useable and functional open space is deemed unfounded. It should also be noted the development is in close proximity to several Lucan Villages parks, hence encouraging occupants to utilise the opportunity to venture out and admire the ecological parks provided within Lucan village.

In relation to sightlines and surface water as part of the planning application and the additional information request, sightlines were indicated on the Proposed Site Layout Plan, surface water and access arrangements described as part of the Engineering Services Report prepared by Molony Millar Consulting, Civil and Structural Engineers. As described, the existing entrance to the subject site is to be retained. Both the Design Manual for Urban Roads and Streets Section 4.4.5 and the County Development Plan have been utilised in assessing the proposed entrance which is deemed to be in line with both documents.

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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.*

Response:

With regards to the proposed access entrance off R835 to the development being a 'Hazard', it should be noted that the current use of the site is a vehicular entrance off the R835 for No.58 car parking spaces that is being utilised by visitors of Lucan Village center (not the consumers of the Ball Alley House) for parking purposes, hence, the proposed residential development would have less of a 'Hazard' impact than the current vehicular entrance use, thus, the council's argument is deemed unfounded.

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:*

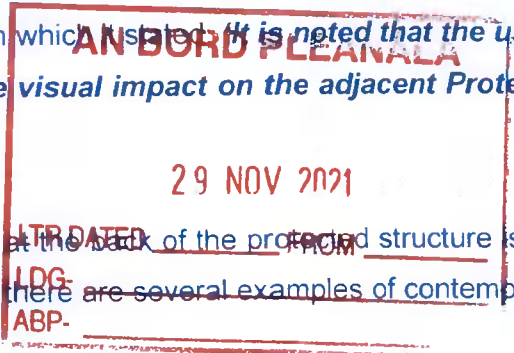
- *Failing to facilitate sensitive development within the curtilage of Ball Alley House, a Protected Structure. In particular the proposed development would adversely impact the setting of the Protected Structure by way of the cramped location and excessive height of 14 apartments and their associated 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*

Response:

The proposal is for a contemporary design which is appropriate as it complements the existing context and is rightfully new in appearance. A pastiche design would be out of character with the existing buildings and context and would not be considered appropriate in the current architectural climate.

Additionally, it should be noted that the council have previously stated their approval of the selected materials for the proposals in the Chief Executives Order in which 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.'**

Furthermore, it is considered that the existing streetscape at the back of the protected structure is of a low quality, incoherent and broken. It should be noted that there are several examples of contemporary



infill proposals in the vicinity of the site and as such the subject proposal should also be deemed acceptable.

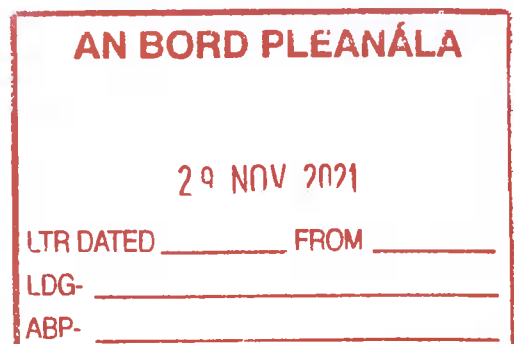
The mass of the proposed building under the subject application has been broken into several elements, both vertically and horizontally through the massing, movement created in the façade and through the use of materials. The design intent behind the appearance of the proposed development was to utilise a simple palette of materials, namely brick, metal cladding, render and charcoal grey window frames in conjunction with contemporary detailing. The material transition between the light brick and metal cladding on the elevations divides the proposal into various masses. The change in material breaks up the massing and adds visual interest to all elevations. The metal cladding provides an element of weight while the light brick lightens the visual appearance of the proposal.

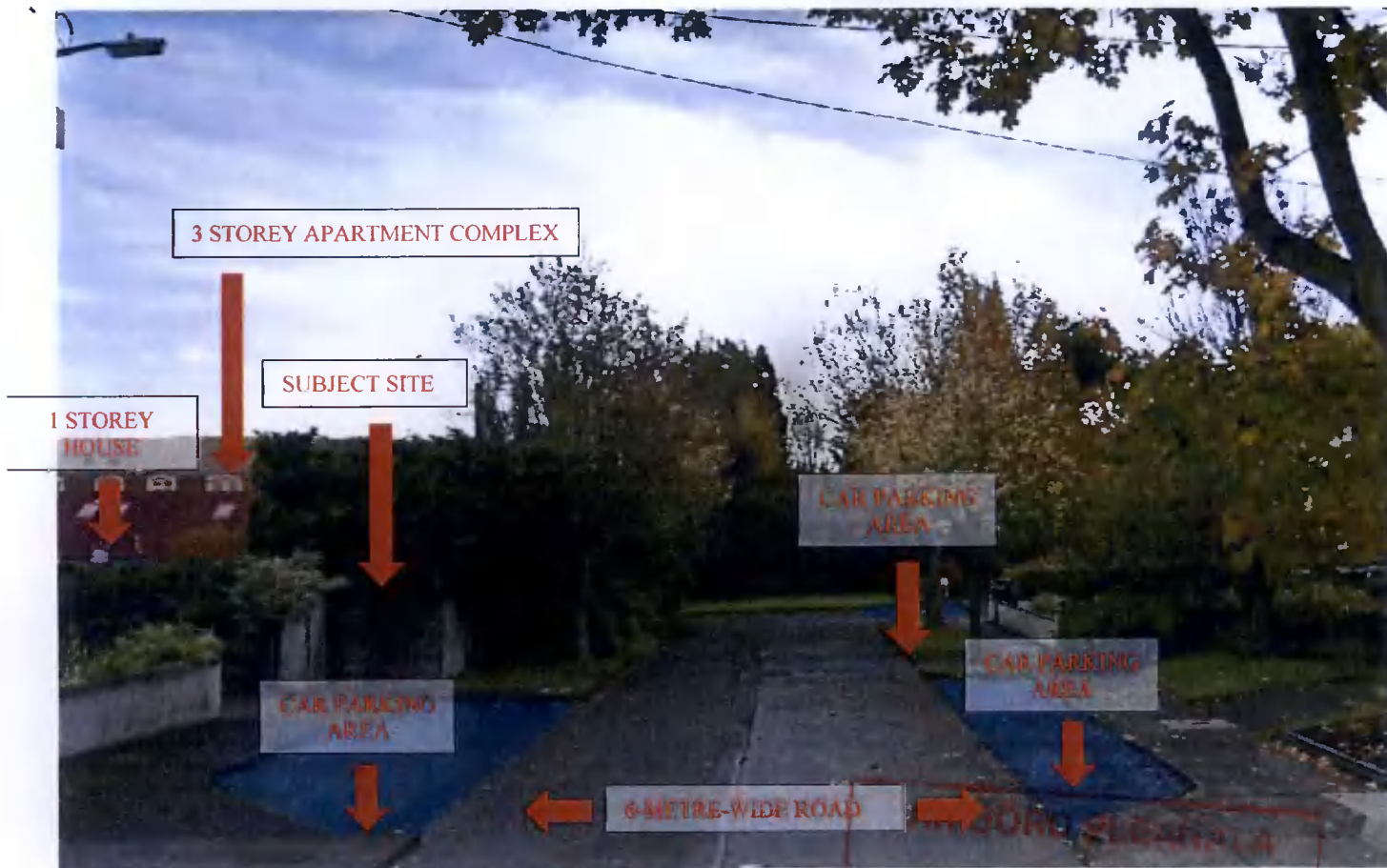
5) *Having regard to the provisions of the South Dublin County Development Plan with particular reference to site access, urban design, and residential amenity, there is inadequate space for a rigid refuse lorry at Ardeevin Drive, and fire tender vehicle turning movements illustrated within the proposed 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 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.*

Response:

In relation to 'inadequate space for a rigid refuse lorry at Ardeevin Drive, and fire tender vehicle turning movements' Molony Millar Consulting, Civil and Structural Engineers as part of the additional information request, provided at a swept path analysis drawing (Autotrack) to demonstrate that fire tenders and large refuse vehicles can access/egress the site from both Ardeevin drive and Leixlip Road.

Furthermore, it should also be noted that the Councils claim that access through Ardeevin Drive is 'totally dependent on a clear path being available' is unfounded as the existing road through Ardeevin drive is a 6-meter-wide road and accommodates for car parking spaces outside the road see attached reference image 8 below.





Reference Image 8: Image of Ardeevin Drive looking towards Subject site

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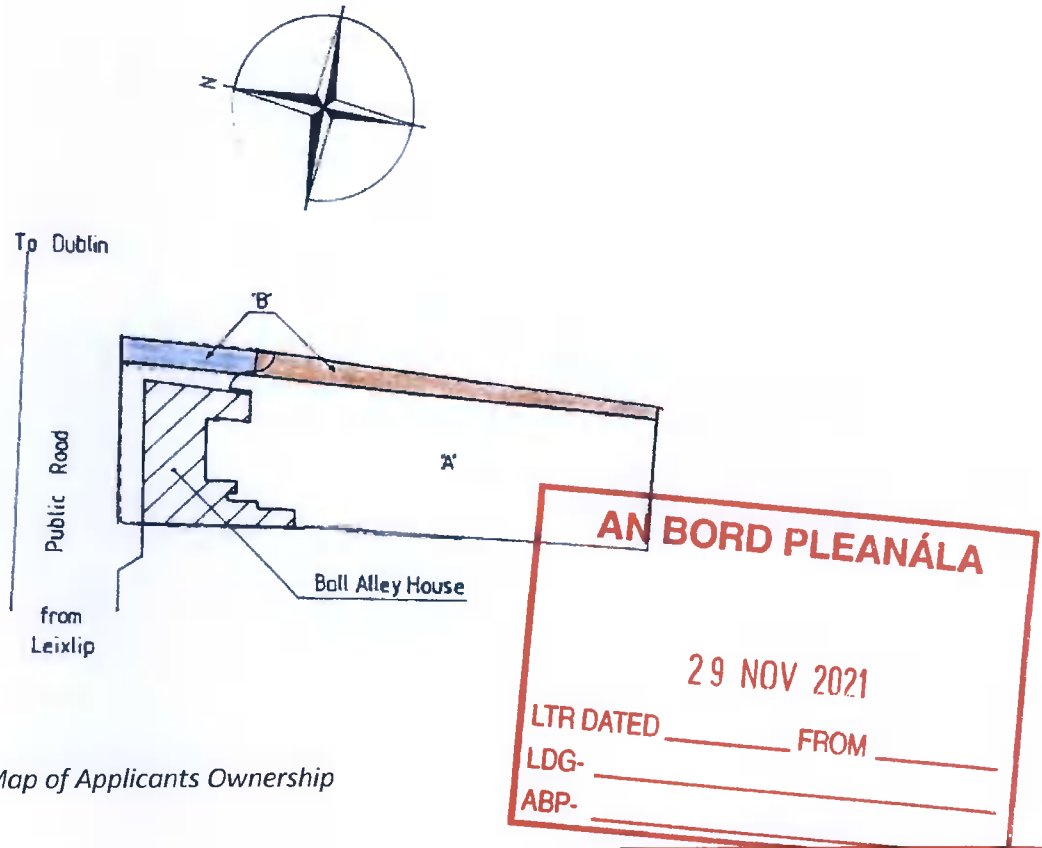
6) The proposed development would give rise to a substantial level of residential amenity for future occupants by reason of the configuration of the proposed open space and accessibility to active play areas, and removal of existing trees. (it appears that the development requires the removal of street 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.

Response:

Again, the open space within the development counts for 29% of the overall site and is above the minimum requirements set out in section 11.3.1 residential quality in South Dublin County Councils Development Plan 2016-2022. considering the restriction of the infill site in mind the proposed open space within the scheme is considered adequate.

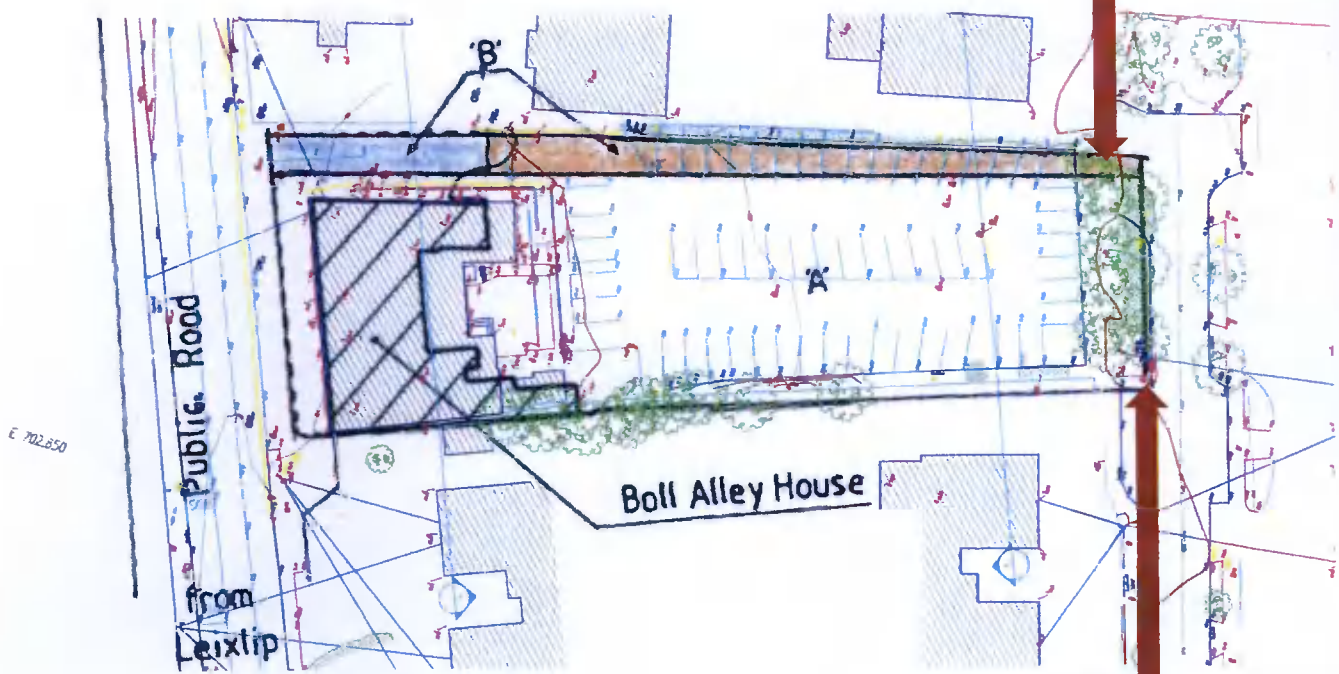
With regards to the configuration and accessibility of the play areas the current proposed location which is to the southeast of the site is deemed appropriate given that it is located in an area that is overlooked by occupants of the area and is beside a secured cul de sac of Ardeevin drive where it is away from traffic and the Ball Alley pub.

In relation to the *'street trees in South Dublin County Council's ownership, where no agreement has been submitted'* please note that this could have been addressed as a condition of grant permission by the council and is not sufficient reason for a refusal. Furthermore, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan prepared by The Tree File Limited was provided to the council as part of the additional information request thus the council claim that this has not been provided is considered groundless.



Reference Image 9: Title Map of Applicants Ownership

TREES BEING REMOVED ARE WITHIN THE OWNERSHIP OF THE APPLICANT



APPLICANT OWNERSHIP GOES TO ROAD EDGE ALONG ARDEEVIN ROAD 25

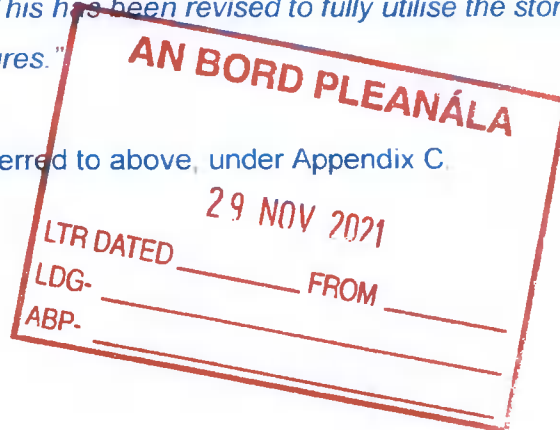
7) The proposed development has not explored the full potential for the inclusion of natural drainage/SUDS features within the design, this is specifically unsatisfactory given the proposed loss of trees and vegetation to provide for the development and the location of the site within the curtilage of 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

Response:

Please note the following commentary from Molony Millar Consulting Engineers

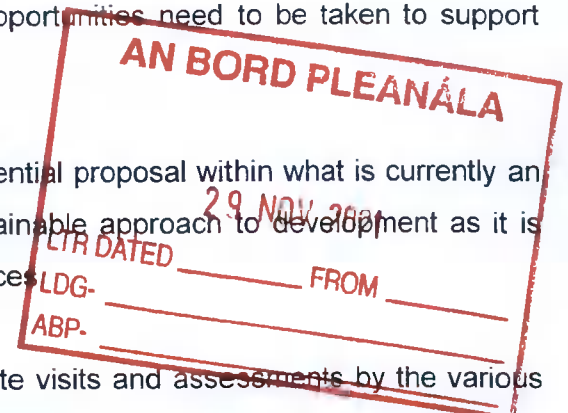
"The proposed attenuation on site comprises permeable paving and tree pits. These are both accepted SuDS measures, and, together with a green roof, will significantly reduce runoff from the existing hard surface. See revised drawings 930-344-C02D & 930-344-C05D showing tree pits capturing all stormwater outflow from the proposed development. The previous design did not indicate the tree pits connecting to the proposed storm water network. This has been revised to fully utilise the stormwater attenuation potential of the proposed SuDS measures."

Please see accompanying revised drawings as referred to above, under Appendix C.



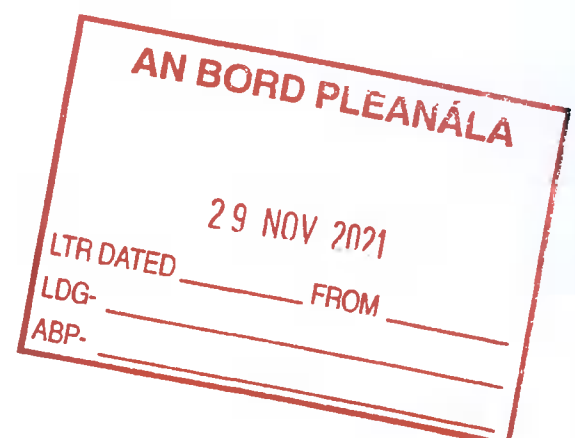
4.0 Summary Points to Overturn Decision and Grant Permission

- As outlined within the SDCC the subject site is zoned RES – N 'To provide for new residential communities in accordance with approved area plans'. Residential development would be acceptable in principle.
- The proposal can be supported based on the South Dublin County Council Development Plan 2016 – 2022, Section 11.2.7 Building Height; 'Varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County';
- The proposed development is an efficient use of land and can be seen as a strategy in meeting the National Development Plan 2018 – 2027 outcome of securing more sustainable, compact settlements with greater densities. It should be noted that the proposal for a building of 3 stories is in line with the National Development Plan 2018 – 2027 outcomes, which detail the objective of providing more compact urban and rural settlements. In order to achieve this aim, higher density schemes must be utilised, such as that of the subject proposal;
- It is clearly outlined in the National Development Plan 2018 – 2027 / Project Ireland 2040 that both the need for housing and the strategy to build the required supply results in the need is to build to a higher density and scale and in a more compact form within both urban and rural environments. It is on this basis that the subject application can be supported. The application seeks to increase density on a residential zoned site, which is available for development and is underutilised. Cognisance must be taken of the current housing climate and the need for these types of private developments, in order to meet Government, set housing targets and the verified demands.
- The Rebuilding Ireland – Action Plan for Housing and Homelessness (2016) states that the Government is committed to increasing overall housing supply to a baseline level of 25,000 new homes by 2020. In line with the long-term housing demand of at least 500,000 new homes forecast within the NPF models, this level of housing supply will, at a minimum, need to be maintained to 2040'. With this objective being established in the Action Plan and further outlined under the National Development Plan, opportunities need to be taken to support developments of a higher density and scale.
- The applicant has endeavoured to provide a residential proposal within what is currently an established residential area, this is the most sustainable approach to development as it is within close proximity to existing facilities and services.
- The site has been reviewed through a series of site visits and assessments by the various professional consultants. Through careful planning and design, a strategy for the site has been



put forward which will positively add to the existing context as a contemporary response to the existing streetscape.

- The current development proposal has been envisaged and designed as a low impact development which both compliments and reflects its surrounding context through its design, scale and materiality while providing a contemporary response to an urban site.
- The increase in density on the subject site will further contribute to the surrounding area, providing an increased movement of people helping to sustain public transport networks, small commercial premises and generating increased vitality. The density was also acceptable to the local authority.
- The proposal creates much needed opportunity for the aging population to downsize, creating other housing opportunities in the area.
- The proposed development has been designed in accordance with the Sustainable Urban Housing: Design Standards for New Apartments, all apartments have the required private open space provision in the form of winter gardens / balconies and are in excess of the minimum requirements.
- Throughout this appeal response it is demonstrated that there are several contradictions between the council's assessment and their reasons for refusal, it should therefore be considered that if this application meets the requirements in the assessment, which would be measured against SDCC policies and development plan requirements, then an approval should have been made upon same.



5.0 Conclusion

On the basis of the response outlined with the appeal, we would ask that An Bord Pleanála overturn the decision by South Dublin County Council and grant permission for the subject application.

Please advise us in the event that there are any omissions or unclear issues in relation to this appeal.

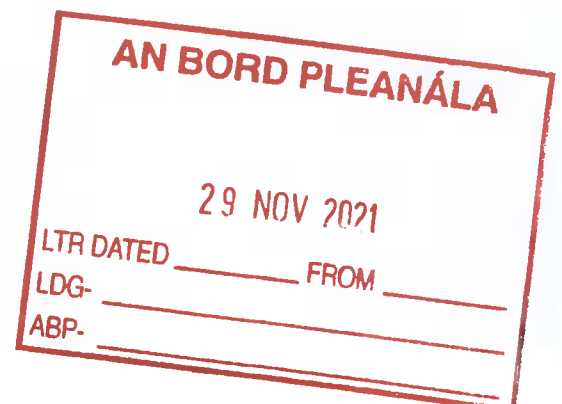


Paul Moran

Director CDP Architecture

CC Applicant

Contact No. 085 2200808 / 01 6214498



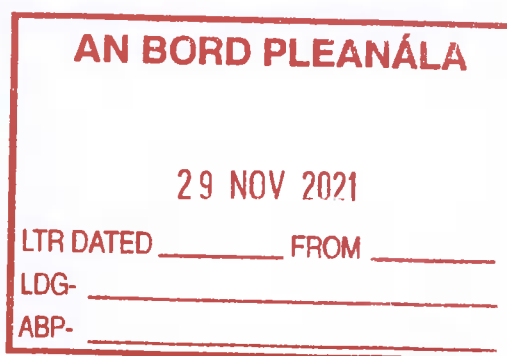
panying Documentation

ur response to this appeal we enclose the following documentation:

A: South Dublin County Council to Refuse Permission SD21A/0179

B: Chief Executive Order under SD21A/0179

C: Revised Drawings as prepared by Molony Millar Consulting Engineers



Appendix A:

South Dublin County Council to Refuse Permission SD21A/0179

AN BORD PLEANÁLA
29 NOV 2021
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

CDP Architecture
4, The Mall
Main Street
Lucan
Co. Dublin

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	1439	Date of Decision	04-Nov-2021
Register Reference	SD21A/0179	Date	07-Oct-2021

Applicant:

Gerry Teague

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

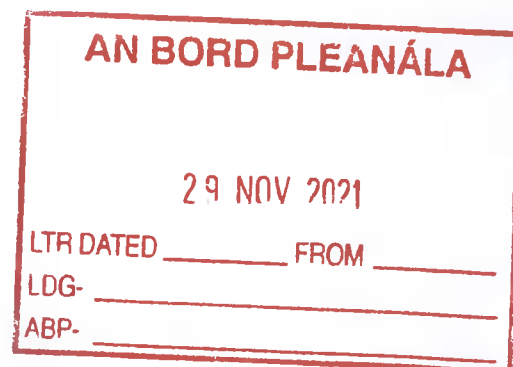
Time extension(s) up to and including:

Additional Information Requested/Received:

25-Aug-2021/07-Oct-2021

Clarification of Additional Information Requested/Received:

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DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

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 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 serious 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

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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 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.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended).

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LTR DATED _____	FROM _____
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ABP- _____	

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD21A/0179

Signed on behalf of the South Dublin County Council.

Yours faithfully,


for Senior Planner

08-Nov-2021

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AN BORD PLEANÁLA	
29 NOV 2021	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	

NOTES

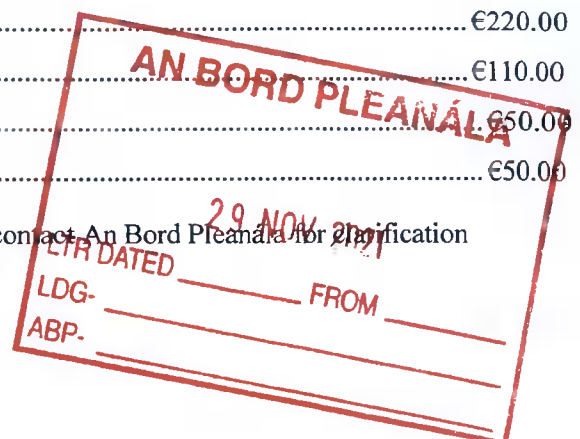
(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made, where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made, other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100



Appendix B: Chief Executive Order under SD21A/0179

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

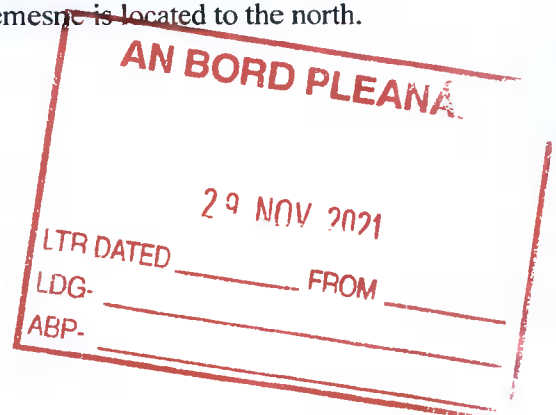
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Description of Site and Surroundings

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

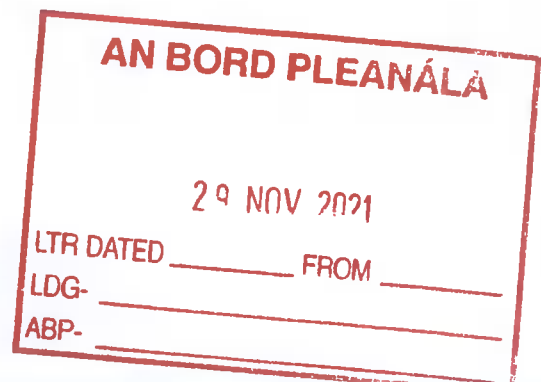
Chief Fire Officer-No Response

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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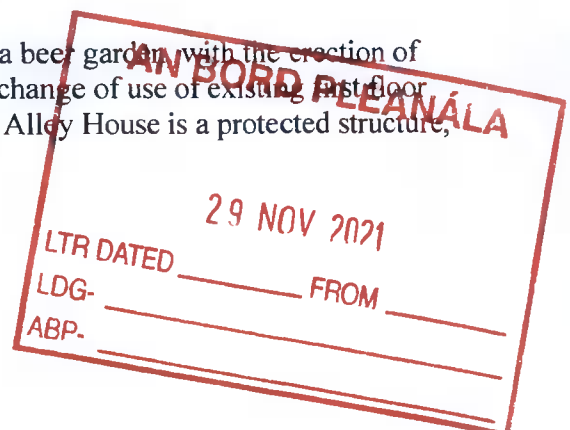
- Overlooking of private space and adjacent properties
- Out of character with the adjoining buildings, height excessive
- Inconvenience of road and construction works
- Excessive car parking and safety concerns in the area
- Devalue properties in the area
- Access for emergency vehicles
- Impact on 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

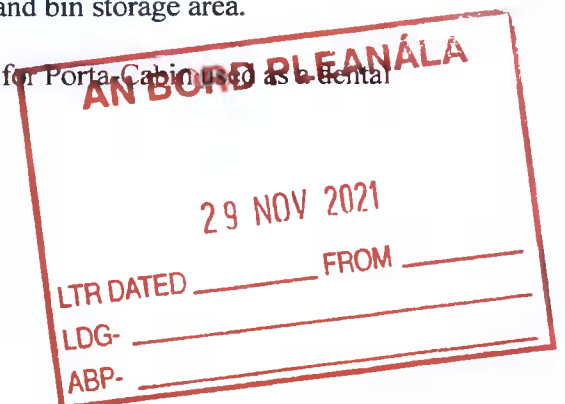
SD16A/0005. (1) Change of use from existing office use to a surgery for medical practitioners; (2) alterations to existing entrance to create new doorway, ramp and handrail; (3) external signage; (4) all associated site works, internal alterations and bin storage area.

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.

AN BORD PLEANALA

29 NOV 2021

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

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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

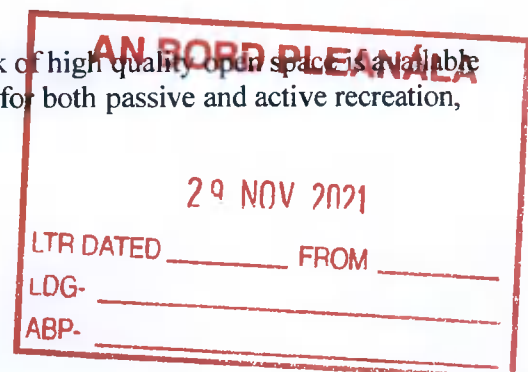
Policy C1 Community Centres

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.

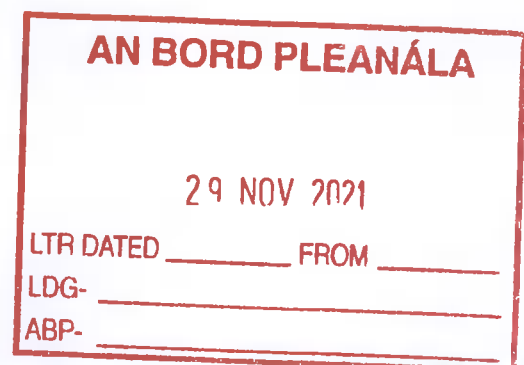
Section 8.0 Green Infrastructure

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*

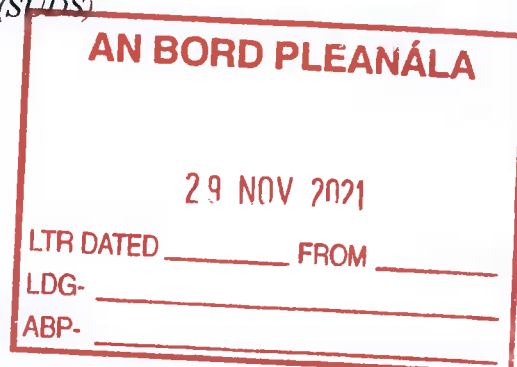
Table 11.20: Minimum Space Standards for Houses
Table 11.21: Minimum Space Standards for Apartments

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).

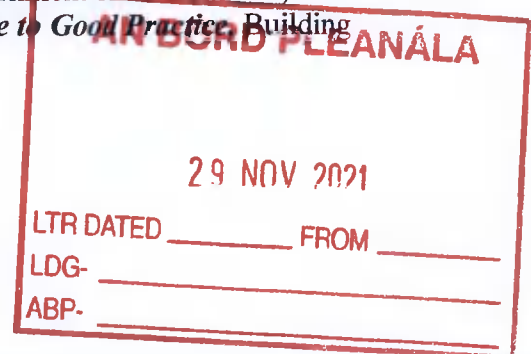
Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of the Housing, Planning and Local Government (2018).

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.

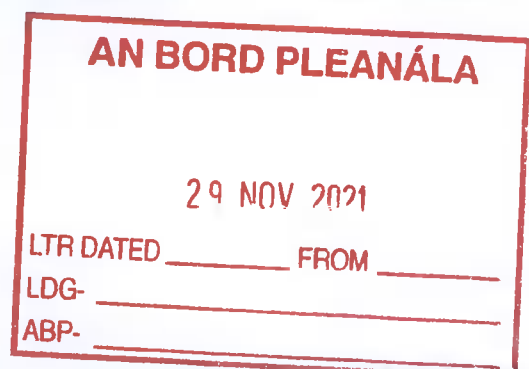
Density

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 ²	Yes
2-2 bed	85.2m ²	Yes
3-2 bed	79.9m ²	
4-2 bed	72.3m ²	
5-2 bed	79.3m ²	
6-2 bed	80.1m ²	
7-2 bed	79.9m ²	
8-2 bed	81.4m ²	Yes
9-2 bed	79.3m ²	
10-2 bed	80.1m ²	
11-2 bed	79.9m ²	
12-2 bed	81.4m ²	
13-3 bed	109.5m ²	Yes
14-3 bed	111.1m ²	Yes

Apartment Guidelines 2020 Minimum sizes

- 1 bed. 45m²
- 2 bed. 73m²
- 3 bed. 90m²

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.

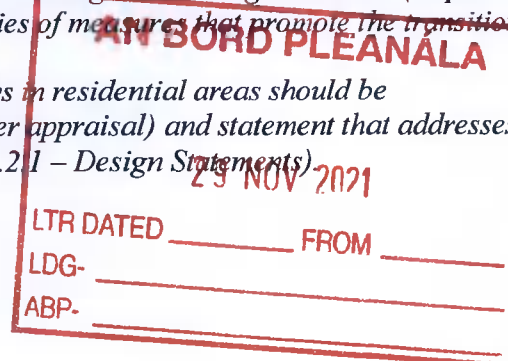
The proposal is four storeys in height with the top floor stepped back a further 5.5m at minimum, and flat roof profile at a max ridge height of 12.7m. Section 11.2.1 Design Statements of the County Development Plan 2016-2022 states:

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:

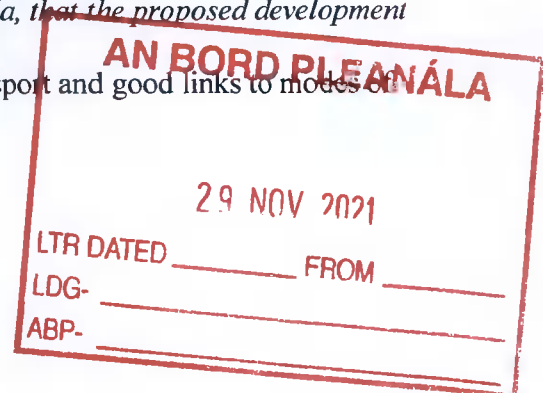
Development proposals that include 'higher buildings' that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building.

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 Pleanála, 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.*

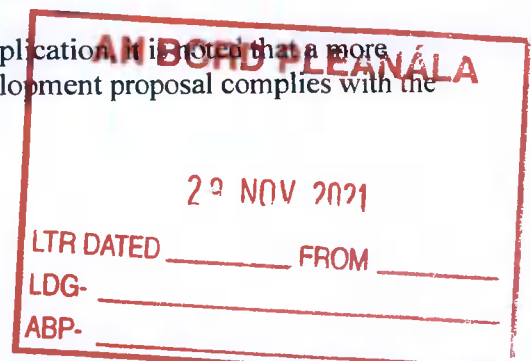
The site is in close proximity to QBC bus route to and from the City Centre. The development is in close proximity to the services and facilities provided in Lucan Village. The proposed development is set back from the existing residential development to the east and west and the existing building line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

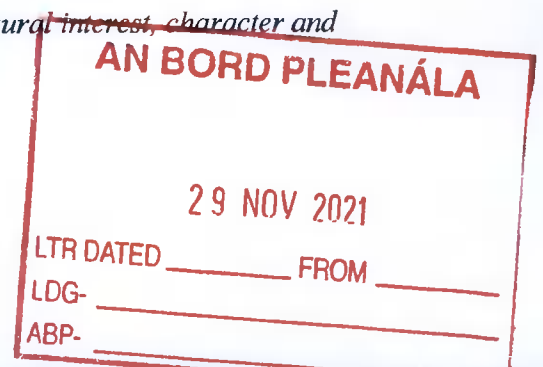
Section 9.1.4 of the County Development Plan- Heritage, Conservation and Landscapes (HCL) Policy 5 Older Buildings, Estates and Streetscapes states:

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

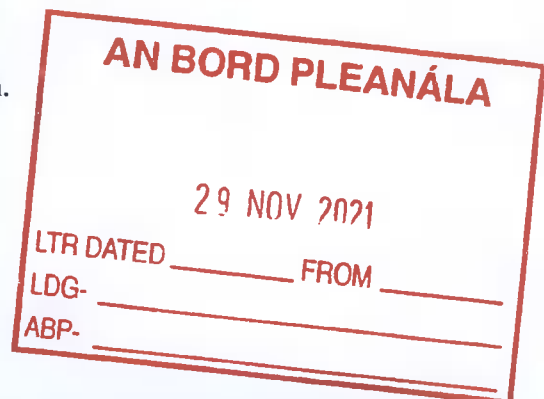
The applicant has submitted a landscape plan which does not delineate the amount of public and private open space, or communal space areas if applicable. It would appear that all the open space is private due to the presence of pedestrian access points into the development. Private space has been provided 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.

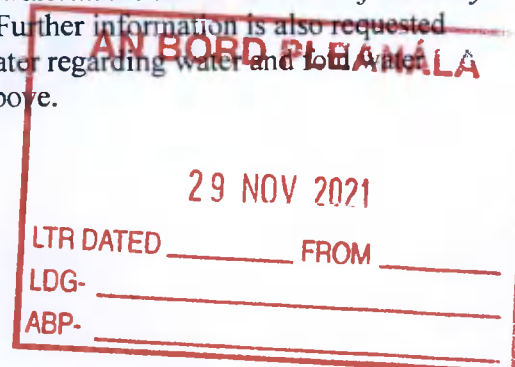
The Roads Department has requested additional information regarding a number of items including visibility splays; car and bicycle parking and pedestrian route details; surface details; and autotracking. This will be requested as additional information.

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 ~~land~~ 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.

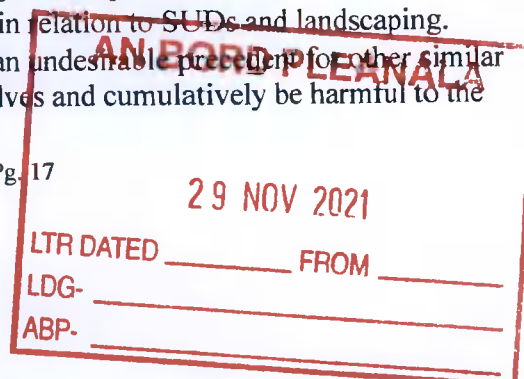
Screening for Environmental Impact Assessment

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

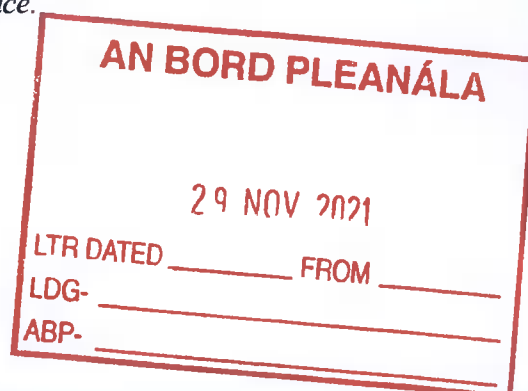
Having regard to the overall height, scale and massing of the proposed development it is considered that the proposal would result in a significantly overbearing impact on the residential developments to the west and east, and protected structure to the north. The proposed development would significantly 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

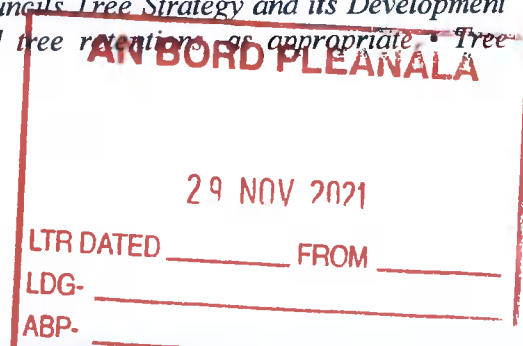
The applicant shall liaise directly with South Dublin County Council's Architectural Conservation Officer to discuss a revised proposed design that will address and mitigate the impact on, the Protected Structure. A written statement detailing the discussion to be submitted.

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 Council's Tree Strategy and its Development Plan standards in respect of tree preservation and tree retention, 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

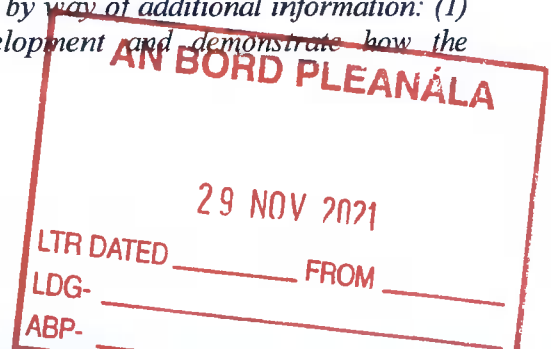
The applicant shall engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public wastewater infrastructure for both water and foul drainage. The Confirmation of Feasibility (COF) must be submitted to the planning department 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

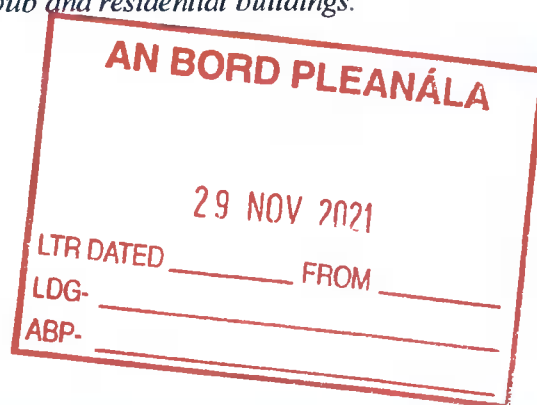
The applicant/developer is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.0m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the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

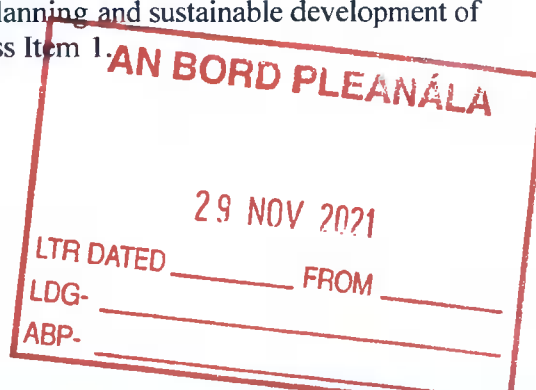
In response to Items 1 to 14 the applicant has submitted a number of documents. The Planning Authority remains concerned that the proposed development would have a serious and negative impact on the existing Protected Structure and the residential and visual amenity of the area and considers that having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

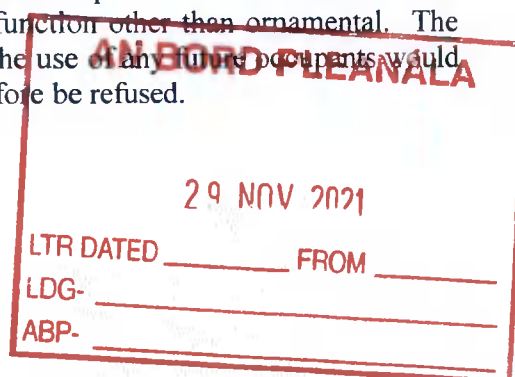
Item 3- Public Open Space

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 an individual 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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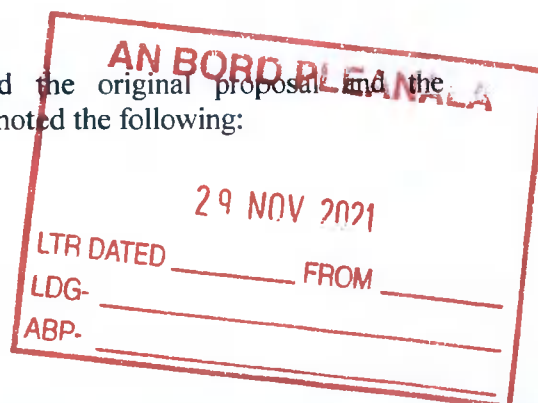
The information submitted for Item 12 is not considered to have satisfactorily address the additional information item and therefore does not conform with the appropriate policies of the County Development Plan and 2020 Apartment Guidelines and is not considered acceptable to the Planning Authority. **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/40m². 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.

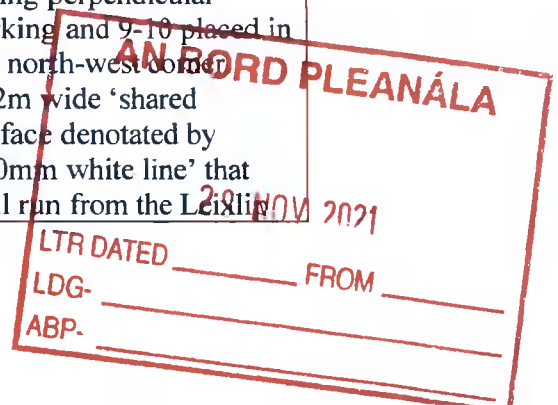
The Planning Authority has compared and contrasted the original proposal and the modifications made by way of Additional Information and noted the following:



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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"> 1. The 6 car parking spaces reduced to 4 (including a mobility impaired space). 2. A small section of space in the south-east corner provided as 'open space'. 3. Bin storage placed in the southern west corner.
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"> 1. 10 car parking spaces proposed 1-8 northern facing perpendicular parking and 9-10 placed in the north-west corner 2. A 2m wide 'shared surface denoted by 100mm white line' that will run from the Leixlip



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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)

- (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 fall

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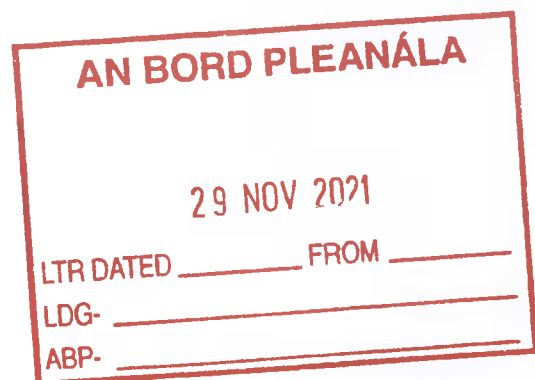
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service and emergency vehicles would endanger public safety by reason of a traffic hazard and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

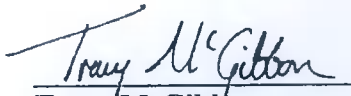


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REG. REF. SD21A/0179

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**

Appendix C: Revised Drawings as prepared by Molony Millar Consulting Engineers

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