

Appendix B - Record of Executive Business and Chief Executive's Order, dated 11th  
February 2022.



## Comhairle Chontae Atha Cliath Theas

PR/0179/22

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

**Reg. Reference:** SD21A/0335      **Application Date:** 09-Dec-2021  
**Submission Type:** New Application      **Registration Date:** 09-Dec-2021

**Correspondence Name and Address:** Sarah Forde 4, The Mall, Main Street, Lucan, Co. Dublin

**Proposed Development:** Construction of 6 two storey, 3-bedroom terraced dwellings; all associated site development works, car parking, landscaping, open spaces, public lighting and connections to foulds and surface water drainage/attenuation systems and mains water supply; the proposed development represents an amendment to the existing partially completed development as it relates to the above-mentioned plots for which planning permission was granted under Register Reference SD19A/0040 granted on the 18th November 2019. The application provides for and planning permission is sought for an amendment to the scheme as set out in the compliance layout submitted on the 14th July 2020 and approved by South Dublin County Council on the 18th August 2021 on foot of condition No. 2a, 2b & 2c of SD19A/0040 by making provision for a vehicular access and footpath to the boundary of the lands to the rear (northern boundary) of the existing development; the development is on a site area of c. 0.15ha known as Site No's 10 - 15 Cornerpark Rise, Cornerpark Town land, Peamount Road, Newcastle, Co. Dublin.

**Location:** Site No's 10-15, Cornerpark Rise, Cornerpark Townland, Peamount Road, Newcastle, Co. Dublin

**Applicant Name:** Dragonglen Limited

**Application Type:** Permission

**Description of Site and Surroundings**  
**Site Area**  
Stated as 0.15 Hectares.

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### Site Description:

The site of the proposed development is located within a permitted and partially complete residential development (SD19A/0040) known as 'Cornerpark Rise', which is situated on the eastern edge of Peamount Road, approximately 315m to the north of Main Street, Newcastle.

The subject site pertaining to this Planning Application is bound to the east and west by permitted residential units of Cornerpark Rise, to the south by an internal access road for the overall residential development to the north by greenfield/agricultural lands, which appear to be within the ownership of the Applicant. The site is situated within the Newcastle Local Area Plan area and a short distance to the north of the Newcastle Architectural Conservation Area.

### Site Visit

26<sup>th</sup> January 2022.

### Proposal

The proposed development will consist of amendments specifically relating to Conditions Nos. 2 and 3 attached to the development permitted under SD19A/0040. The amendments can be described as follows:

- The provision of a connection to the lands to the north of the subject site comprised of a 6m wide vehicular carriageway with a 2m wide footpath on either side.
- The relocation eastwards of Unit Nos. 10-15 to facilitate the provision of the connection to the lands to the north.
- The omission of the connection to the adjoining lands to the south.
- All associated site works above and below ground.
- There is no change to the overall quantum of residential units permitted under SD19A/0040.

### Zoning

The subject site is subject to zoning objective 'RES-N' - *'To provide for new residential communities in accordance with approved area plans'*.

The site is subject to the *Newcastle Local Area Plan* and is also situated to the north of the *Newcastle Architectural Conservation Area*.

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It should also be noted that the subject site is located in a transitional area, with the lands directly adjacent to the northern boundary zoned objective 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture.'*

#### Consultations

##### Internal

*Water Services and Drainage :*

No report received at time of writing.

*Parks and Landscape Public Realm:*

Additional information requested.

*Roads:*

Refusal recommended.

*Heritage Officer:*

No report received at time of writing.

*Architectural Conservation Officer:*

No report received at time of writing.

*Housing Strategy Unit:*

No new Part V agreement required as no change to total unit numbers.

##### External

*Irish Water:* Additional information requested.

*Environmental Health Officer:* No report received at time of writing.

*Department of Defence:* No report received at time of writing.

*Dúchas The Heritage Service:* No report received at time of writing.

*Department of Housing, Local Government and Heritage:* No report received at time of writing.

#### SEA Sensitivity Screening

Overlap indicated with the following layers on the SEA monitoring system:

- Areas of Archaeological Potential;
- Record of Monuments and Places DU020-003 – Newcastle Village; and
- Newcastle Village Architectural Conservation Area to the south.

#### Submissions/Observations /Representations

Deadline for submissions/observations – 21<sup>st</sup> January 2022.

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None received.

### Relevant Planning History

Subject site

**SD19A/0040**

Permission sought for demolition of existing stables/sheds; construction of 28 dwellings comprised of 8 three bedroom, two storey semi-detached houses (Type A); 7 three bedroom, 2 storey terraced houses (Type B); 6 three bedroom, 2 storey terraced houses (Type C); 3 three bedroom, 2 storey terraced houses (Type D); 4 three bedroom, 2 storey semi-detached houses (Type E); all associated site development works, car parking, landscaping, open spaces, public lighting, connections to foul and surface water drainage/attenuation and water supply.

**Decision:** Permission granted, subject to conditions.

On 10<sup>th</sup> October 2019, permission was granted for the residential development subject to conditions. Condition No. 2 attached to the grant of permission are of particular relevance to the subject scheme of this Planning Application:

#### *2. Revised Plans*

*No development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority for written agreement:*

*(i) Revised plans that incorporate the following amendments for written agreement:*

- (a) Road 1 shall not extend to the northern site boundary, it shall cease prior to the front building line of units 13 and 14.*
- (b) The terrace of units 14 to 19 shall be relocated in a westerly direction with footpath, privacy strip and private amenity space for houses 13 and 14 absorbed into the space and a landscaped privacy strip provided to the east of the terrace at house 19.*
- (c) A suitable location on the eastern side of the terrace of House Type C for bin storage for the residents of the block shall be indicated on revised plans and shall include details of height, depth, materials and screening and information demonstrating that the refuse storage facility has adequate internal space to cater for the size and number of bins allocated to each household within the terrace.*
- (d) The side elevation - B on the eastern side of the terrace of House Type C shall incorporate the same window features at both ground and first floor level as that of side elevation - A.*

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(e) *Details of suitable vehicular access to unit 13*

(f) *Further details of the proposed gossip walls including depths, heights and materials for all properties where they are proposed*

*The applicant, owner or developer may consult with the Planning Authority in advance of lodging the required revised plans.*

*REASON: To ensure that adequate space is provided for defensible space, bin storage and residential amenity'. [Our Emphasis]*

The Applicant provided a Compliance Submission in relation to Condition No. 2 attached to SD19A/0040. The submission included a revised Site Layout Plan (Drawing No. 1.1.0003 Rev D) to address items 2(a) and (b) which clearly demonstrated the cessation of the road before it reached the northern boundary and the slight relocation westwards of the terrace of units which are associated with this Planning Application.

It is noted that the proposed development of this Planning Application is essentially seeking the reversal of the layout required by conditions Nos. 2(a) and (b) and the reinstatement of the original design, extending the road to the northern boundary and the relocation of 6 No. units westwards to facilitate the roads layout. No clear rationale has been provided by the Applicant for the proposed contravention of Conditions Nos. 2(a) and (b) of the extant permission. The only rationale offered in the Applicant's Cover Letter is:

*'Access to these lands is required in the interest of good land management and to allow the lands be sufficiently maintained and secured.'*

The rationale offered by the Applicant does not sufficiently explain the need for access to the lands to the north zoned 'RU'. Furthermore, the Planning Authority note that there appears to be an agricultural entrance to these lands leading directly from Peamount Road.

The proposed non-compliance with a condition attached to SD19A/0040 is wholly unacceptable to the Planning Authority and in this regard permission for the proposed development shall be refused.

#### Adjacent sites

#### ***SD15A/0193 and PL06S.245943***

Demolition of 3 dwellings and associated sheds/garages (4) totalling c.786 sq.m. Construction of a new residential development comprising 73 no. 2-storey, 3/4/5 bed, detached, semi-detached and terraced houses ranging in size from c.107sq.m to c.176sq.m; provision of a new vehicular entrance to service 71 of the houses with 2 houses having direct frontage/access to Main Street; additional access to the Castlelyon residential development to the east; all

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associated site development, landscaping, open spaces, boundary treatment works, car parking, bin storage and infrastructural services provision.

**Decision:** SDCC Grant permission, subject to conditions. Appeal Withdrawn.

### Relevant Enforcement History

None recorded for the subject site.

### Pre-Planning Consultation

None recorded for the subject scheme.

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

#### *UC Policy 3 – Village Centres*

*It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.*

#### *UC3 Objective 1*

*To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs).*

#### *HCL Policy 1 – Overarching*

#### *HCL Policy 4 Architectural Conservation Areas*

*HCL4 Objective 2: To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.*

#### *11.5.3 – Architectural Conservation Areas*

#### *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



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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.

### *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.

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### *Policy HCL2 Archaeological Heritage*

#### *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, 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*

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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*

#### *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*

#### *11.2.0 – Place Making and Urban Design*

### *Section 11.2.0 Place Making and Urban Design*

#### *Section 11.2.1 Design Statements*

#### *Section 11.2.3 Town and Village Centres*

#### *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*

#### *Table 11.20: Minimum Space Standards for Houses*

### *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*

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*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*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.1 Environmental Impact Assessment*  
*Section 11.8.2 Appropriate Assessment*

### Newcastle Local Area Plan

*The site is located within the Peamount Neighbourhood on the eastern side of Peamount Road and directly abuts Burgage North Neighbourhood to the south and east. The LAP requires a link southwards into the Burgage North Neighbourhood.*

*Objective G17: Protect the historic burgage plot boundary and townland delineations (including townland boundaries to the Glebe, Ballynakelly Newcastle South and Commons Little) around Newcastle Village including their associated hedgerows and ditches.*

*Objective G18: Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site.*

*Objective G19: Require that burgage and townland field boundaries and ditches are utilised wherever possible as SUDS elements such as swales for conveying water; landscape features; and biodiversity-protecting elements.*

*Objective PN5: Include for a through Green Link Street with Peamount Road as part of an east-west through route that will connect the neighbourhoods on the northern side of Main Street and Aylmer Road with Peamount Road'.*

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Objective GI21 requires that an Archaeological Assessment Report be submitted with all Planning Applications within the Zone of Archaeological Potential.

Objective GI28 requires the submission of a Bat Survey as part of every planning application for development.

*Objectives GI12, GI14 and GI15: SuDS and Flood Risk* Objective GI21: Archaeology

*Objectives GI27, GI28, GI29 and GI30: Ecology*

*Objective AM7: Accessibility and Movement*

*Objectives LUD1, LUD2, LUD7, LUD13: Land Use and Urban Design*

*Objectives BF1, BF8: Built Form*

#### Relevant Government Guidelines:

*Project Ireland 2040 National Planning Framework*, Government of Ireland, (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 Residential Development in Urban Areas: Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government, (2008).

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

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

*Regional Planning Guidelines for the Greater Dublin Area 2010-2022*, Dublin Regional Authority & Mid-East Regional Authority, (2010).

*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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### Assessment:

The main issues for assessment relate to:

- Zoning
- Planning History
- Newcastle Local Area Plan

### **Zoning**

The subject site is designated with the zoning objective 'RES-N' in the South Dublin County Development Plan (2016-2022), for which the stated objective is 'to provide for new residential communities in accordance with approved area plans'. Residential development is 'permitted in principle' in accordance with the zoning matrix.

The subject site is also governed by the Newcastle Local Area Plan. Compliance with the relevant policy discussed under a separate heading, 'Council Policy'. There are no objectives or policies within the LAP to support the proposed vehicular connection to the north of the site into rural zoned lands.

### **Planning History**

Given that the proposed development essentially amounts to amendments of a previously permitted residential development (SD19A/0040) and that the overall quantum of residential units on the subject site has not changed, it is not proposed to carry out a complete assessment of the 6 No. residential units in question. It is more pertinent to carry out an assessment of the proposed re-location of the 6 No. units to facilitate in the context of the previously permitted residential development (SD19A/0040).

### Connectivity to the lands to the north

The assessment of the residential development permitted under SD19A/0040 noted the following in relation to the proposed connectivity to the lands to the north:

*'There are however concerns with the road layout that affect block 14-19. It is considered appropriate to require road 1 to cease prior to the front building line of houses 13 and 14, as it is unnecessary to provide a potential future access to lands to the north as they are not zoned. Therefore, a condition moving the terrace in a westerly direction will be attached to the permission in the location of road 1 absorbing the rear garden spaces, privacy strip and footpath in place of road 1 at this location.'*

The Planning Authority, on review of the proposed development and the documentation submitted with this application, can see no justification why the original decision should be changed. Nothing has changed on site or within policy that would require a change in the original decision. There are no objectives or policies within the Newcastle LAP to support the proposed vehicular connection to the north of the site into rural zoned lands and no clear

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rationale has been submitted by the applicant that would support the non-compliance with Condition 2 of the original permission.

The Roads Department has reviewed the proposed development of this Planning Application and has noted the following:

*'The Cornerpark Rise road was assessed in full in the previous planning application SD19A/0040. Under condition 2 of this application the road was removed. It would be contrary [to] correct planning to allow this to proceed under this planning permission. The roads department cannot identify a justification for this road considering the current surrounding planning zoning.*

*The road does not confirm to the LAP for Newcastle, it is also prudent to note the beginning of the southern link road of this LAP was to be constructed as per the previous planning. The roads department do not look favourably on the inclusion of the road (Cornerpark Rise) in this application.*

The Report of the Roads Department concluded as follows:

- *The Roads Section consider that no further planning permissions should be granted for this site until all conditions of previously granted planning permissions have been complied with fully, particularly with regard to the southern link road in accordance to the Newcastle LAP.*
- *The road proposed to the north should be omitted.*

Insufficient rationale or justification has been provided by the Applicant in relation to the proposed road leading to the northern boundary, which would contradict condition No. 2(a) of the extant permission. It is considered that the assessment of the original planning application remains relevant and it is therefore recommended that permission for the proposed development should be refused.

#### Re-location of Unit Nos. 10-15 Eastwards

The proposed development includes the re-location of Unit Nos. 10-15 eastwards to facilitate the provision of the road/street leading to the northern boundary. As insufficient justification has been provided for the road/street leading to the northern boundary, there is no clear reason for the re-location of Unit Nos. 10-15 eastwards. Furthermore, to permit the re-location of these units would be in direct contravention of Condition No. 2(b) attached to SD19A/0040.

It should be noted that the surrounding receiving context of the subject site has not changed since permission was granted for the residential development (SD19A/0040) i.e. the lands to

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the north of the subject site remain zoned 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture.'*

It is noted that permission for Unit Nos. 10-15 was previously permitted under SD19A/0040 (referred to as Unit Nos. 14-19), and thus the units could be constructed by the Applicant in their permitted location. **In the event of a refusal of permission for the proposed development the subject residential units can be delivered under SD19A/0040.** The applicant has permission to construct the 6 dwelling units, permission is recommended to be refused for the proposed development having regard to the concerns relating to the non-compliance with conditions attached to the extant permission.

#### **Newcastle Local Area Plan - Southern Link - Enforcement**

The proposed development is subject to Newcastle Local Area Plan and is situated within the 'village edge' of the Peamount neighbourhood. Whilst the overall residential development permitted under SD19A/0040 has previously been assessed against the Newcastle Local Area Plan, the following section provides an assessment of the proposed amendments in relation to the policies and objectives of the LAP.

#### Objective PN5

Objective PN5 states that development of the Peamount Neighbourhood shall *'include for a through Green Link Street with Peamount Road as part of an east-west through route that will connect the neighbourhoods on the northern side of Main Street and Aylmer Road with Peamount Road'*. The parent permission (SD19A/0040) pertaining to the subject site included a future connection to the lands south, which would potentially connect to Main Street in accordance with the Local Area Plan. The drawings provided by the Applicant pertaining to this Planning Application appear to indicate the omission of this connection to the lands to the south of the subject scheme (on lands outlined in blue). This can be confirmed by aerial mapping. This is entirely unacceptable to the Planning Authority, as the absence of this potential connection would reduce the connectivity of the residential development to the centre of Newcastle and would be contrary to Section 6.10.2 of the Newcastle Local Area Plan. This reduction in the connectivity to Newcastle for pedestrians and cyclists would generate car dependency for residents of the subject scheme. The Enforcement Team to be notified.

#### Objective GI21

Objective GI21 requires that an Archaeological Assessment Report be submitted with all Planning Applications within the Zone of Archaeological Potential. The application does not include an Archaeological Impact Assessment Report.

#### Objective GI28

Objective GI28 requires the submission of a Bat Survey as part of every planning application for development. A Bat Survey has not been submitted with the Planning Application.



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### Conclusion

Having regard to the foregoing, it is considered that the proposed development does **not accord** with the objectives of the Newcastle Local Area Plan by virtue of the deficiencies in the information provided with the Application and the proposed layout.

### Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

### Screening for Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### Planning Notes

1. It appears that the Applicant has cleared the site in the location of the proposed road connecting to lands to the north and vegetation has been removed and it appears that no provision has been made to create the southern link to Burgage North Neighbourhood. In this regard, the Enforcement Team of South Dublin County Council should be notified to investigate compliance with all conditions pertaining to SD19A/0040.
2. There are a number of discrepancies and deficiencies in the information provided by the Applicant:
  - a. The drawing entitled 'Existing Site Plan (As Built)' (Drawing No. 3.1.003) does not appear to match the layout permitted in the compliance drawing pertaining to Condition No. 2 (Drawings No. 1.1.003 Rev D). In particular, no connection to the lands to the south are shown on the Existing Site Plan. This raises a serious concern regarding compliance with Condition No. 2 of the extant permission (SD19A/0040). Furthermore, the description of development outlined in the Statutory Notices makes no reference to the omission of the connection to the adjoining lands to the south. This is a matter for enforcement and the file should be referred to Enforcement Team.
  - b. The drawing entitled 'Block Plan as Previously Granted Ref No. SD19A/0040' (Drawing No. 3.1.004) does not appear to match the layout permitted in the compliance drawing pertaining to Condition No. 2 (Drawings No. 1.1.003 Rev D). The connection to the lands to the south and Units Nos. 10-15 are not shown on Drawing No. 3.1.004. \*Development granted under SD19A/0040 is under

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construction and it is clear that no provision has been provided for the creation of the southern link into Burgage North Neighbourhood. This is a matter for enforcement and the file should be referred to Enforcement Team.

- c. The drawing entitled 'Landscape Details' (Drawing No. 10) does appear to show the connection to the lands to the south, which is consistent with the compliance drawing pertaining to SD19A/00040 but is inconsistent with the remainder of the drawings enclosed with this Planning Application, as highlighted above.
3. Section 5.2 – Green Infrastructure, of the LAP, encourages the provision of Green Infrastructure, which is further supported by Section 8.1.0 of the Development Plan. The Report of the Parks Department in relation to the proposed development notes that: *'The proposed development layout has no green infrastructure and is contrary to GI policies and objectives in the Newcastle Local Area Plan and County Development Plan that require street tree provision and the sustainable management of water incorporating SuDS features'*. The Planning Authority notes the above but recognises that permission has been granted for development at this location, which is currently under construction. However, if future applications are received and are to be granted permission in the future, Green Infrastructure policies and objectives contained within the Newcastle Local Area Plan and the County Development Plan should be applied.

### Conclusion

Having regard to the conditions attached to the extant permission on the subject site and the discrepancies and deficiencies in the information provided by the Applicant, it is considered that the Applicant has not satisfactorily demonstrated that the proposed development would comply with the policy contained within the South Dublin County Council Development Plan 2016-2022 and the Newcastle Local Area Plan. The Planning Authority considers that the proposed development would be contrary to the proper planning and sustainable development of the area. The Application is therefore recommended for refusal.

### Recommendation

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

## SCHEDULE

### REASON(S)

1. The proposed removal of the road up to the northern site boundary and the re-location of six dwellings westward would contravene materially Condition 2 attached to an existing Planning Permission (SD19A/0040), where nothing has changed on site or within policy that would require a change in the original decision. Furthermore, there are no objectives or policies within the Newcastle Local Area Plan to support the proposed vehicular connection to the north of the site into rural zoned lands. The proposed development

**Comhairle Chontae Atha Cliath Theas**

**PR/0179/22**

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

would therefore contravene Condition 2 of an extant permission, would be contrary to the Local Area Plan and would be contrary to the proper planning and sustainable development of the area.

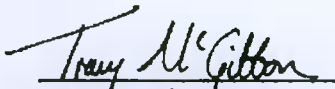
**Comhairle Chontae Atha Cliath Theas**

**PR/0179/22**

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

**REG. REF. SD21A/0335**

**LOCATION: Site No's 10-15, Cornerpark Rise, Cornerpark Townland, Peamount Road,  
Newcastle, 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:**

11/2/22

  
**Eoin Burke, Senior Planner**

Appendix C - Decision Register Reference SD19A/0040, dated 18th November 2019.



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Sarah Forde  
4 The Mall  
Main Street  
Lucan  
Co. Dublin

**NOTIFICATION TO GRANT PERMISSION  
PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING  
REGULATIONS THEREUNDER**

Final Grant Order No.:	1245	Date of Final Grant:	18-Nov-2019
Decision Order No.:	1112	Date of Decision:	10-Oct-2019
Register Reference:	SD19A/0040	Date:	13-Sep-2019

**Applicant:** Dragonglen Ltd.

**Development:** Demolition of existing stables/sheds; construction of 28 dwellings comprised of 8 three bedroom, two storey semi-detached houses (Type A); 7 three bedroom, 2 storey terraced houses (Type B); 6 three bedroom, 2 storey terraced houses (Type C); 3 three bedroom, 2 storey terraced houses (Type D); 4 three bedroom, 2 storey semi-detached houses (Type E); all associated site development works, car parking, landscaping, open spaces, public lighting, connections to foul and surface water drainage/attenuation and water supply.

**Location:** Cornerpark, Peamount Road, Newcastle, Co. Dublin.

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 29-Mar-2019 / 13-Sep-2019

A Permission has been granted for the development described above, subject to the following conditions.

**Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 10th September 2019, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Revised Plans

No development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority for written agreement:

(i) Revised plans that incorporate the following amendments for written agreement:

(a) Road 1 shall not extend to the northern site boundary, it shall cease prior to the front building line of units 13 and 14.

(b) The terrace of units 14 to 19 shall be relocated in a westerly direction with footpath, privacy strip and private amenity space for houses 13 and 14 absorbed into the space and a





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landscaped privacy strip provided to the east of the terrace at house 19.

(c) A suitable location on the eastern side of the terrace of House Type C for bin storage for the residents of the block shall be indicated on revised plans and shall include details of height, depth, materials and screening and information demonstrating that the refuse storage facility has adequate internal space to cater for the size and number of bins allocated to each household within the terrace.

(d) The side elevation - B on the eastern side of the terrace of House Type C shall incorporate the same window features at both ground and first floor level as that of side elevation - A.

(e) Details of suitable vehicular access to unit 13

(f) Further details of the proposed gossip walls including depths, heights and materials for all properties where they are proposed

The applicant, owner or developer may consult with the Planning Authority in advance of lodging the required revised plans.

REASON: To ensure that adequate space is provided for defensible space, bin storage and residential amenity.

### 3. Bin Storage.

Prior to the commencement of development further details of the proposed bin storage areas shall be submitted to and approved by the Planning Authority. The submitted details shall include the following:

(a) A revised location for the bin stores that are currently located in front of blocks 20-22 House Type D1. The revised location should take account of the siting of habitable room windows and not impede views.

(b) Details of the measures proposed to screen the bin stores including materials, finishes and the dimensions of the storage facilities.

(c) Details demonstrating that the refuse storage facility has adequate internal space to cater for the size and number of bins allocated to each household within each relevant block.

REASON: To ensure that adequate space is provided for defensible space, bin storage and residential amenity.

### 4. Surface Water Drainage.

The disposal of surface water, shall comply with the technical requirements of the Council's Water Services Section. In this regard, the applicant, owner or developer shall ensure:

(a) Prior to commencement of development the applicant shall submit a drawing showing that the proposed geocellular attenuation tank is replaced with an arch type attenuation system and/or detention basin. The revised attenuation proposal shall be agreed with the Planning Authority prior to commencement of development. The volume of attenuation provided (370m<sup>3</sup> as per drawing no. 18\_114\_00\_4103) shall be retained.

(b) The proposed 375mm surface water drain diversion shall not connect into the proposed attenuation tank as shown on drawing no. 18\_114\_00\_4100. Prior to commencement of development the applicant shall submit a revised drawing showing that the 375mm surface water drain diversion is separated from the surface water drainage network of the proposed development.

(c) Prior to commencement of development the applicant shall submit a letter from the owner of the existing privately owned 300mm surface water drain running through the subject site stating that the owner of said drain is in agreement with the revised drain diversion layout. The letter must also state that the owner of said private drain is in agreement that the applicant may connect into the privately owned surface water drain at existing manhole EX.SW 7 as proposed on submitted drawing no. 18\_114\_00\_4103.

(d) Prior to commencement of development the applicant shall submit a drawing showing that



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the layout of the proposed soak trenches meets each of the following requirements:

- (i) Soak trenches must be at least 5m from any building, public sewer, road boundary or structure.
- (ii) Soak trenches must generally, not within 3m of the boundary of the adjoining property.
- (iii) Soak trenches must not be in such a position that the ground below foundations is likely to be adversely affected.
- (iv) Soak trenches must be at least 10m from any sewage treatment percolation area and from any watercourse / floodplain.
- (v) Soak trenches must include an overflow connection to a public surface water sewer.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

#### 5. Street Lighting

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall have lodged with the Planning Authority for written agreement:

A Public Lighting Scheme for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to BS5489: European Lighting Standard EN13201 2013 or the latest NSAI (National Standards Authority of Ireland) versions approved, and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: Revision 2 dated 14/10/2016.

Completed Lighting Design and Electrical designs to serve the entire development including details of the overall height of all proposed equipment shall be lodged with the Public Lighting Scheme. The public lighting scheme shall be contained within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company.

Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.

The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from residential properties. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Parks section in this regard.

In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development.

The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the required plan for agreement.

REASON: In the interests of public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.

#### 6. Privacy Measures.

Prior to the commencement of development further details of privacy measures to include a 1.5 metre privacy strip consisting of landscaping for the ground floor windows of the southern elevation of Unit 25 in House Type D shall be submitted to and approved by the Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime of the development.



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REASON: In the interest of residential amenity.

#### 7. Tree Bond.

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €20,000 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: to ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

#### 8. Three Year Post Completion Tree Survey

Prior to the commencement of development, the applicant shall submit written agreement that a tree survey will be conducted post 3 years completion of site works. A suitable tree survey shall be submitted and agreed with SDCC Public Realm Section before any bond is released by SDCC. This shall be agreed with the Public Realm Section post 3 years completion. This is to ensure the protection of trees/hedgerow on and immediately adjacent to the site to make good any damage caused during the construction/post-construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, with the applicant, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of the tree immediately adjoining the site, or the appropriate and reasonable replacement of the trees/hedgerows that dies, removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

The survey shall comprise of a detailed Tree Survey, Tree Survey Schedule, and Tree Constraints Plan, 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 be submitted to SDCC.

REASON: to ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

#### 9. Landscape Design Proposals

Prior to the commencement of the development the applicant shall agree a Landscape Masterplan together with comprehensive and detailed landscape proposals, all prepared by a



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qualified Landscape Architect (or qualified Landscape Designer), for the written approval of South Dublin County Council Public Realm Section. Such proposals shall include the following:

- It is noted that tree planting in soft details have been submitted. However, no details have been submitted regarding tree planting into the hard landscape. The applicant shall provide suitable tree pits which incorporate SuDS features into the tree pit near hard surfaces.
  - The applicant has proposed trees that are of insufficient size. The applicant shall provide large 20-25cm girth trees on the main open spaces/green areas and 18-20cm girth trees for all street trees as part of the proposed development.
  - The applicant has proposed various non-native species (tree planting). The applicant shall omit some non-native species and provide additional native species to encourage green corridors throughout the development.
  - Any proposed trees in hard surfaces should have a suitable load bearing tree pit that incorporates SuDS features into the tree pit. SuDS features will reduce excess water going into the drainage outlets. The applicant shall submit detailed cross sections for trees in the hard and soft landscape.
  - Cross sections of the proposed development shall be submitted to SDCC, the cross sections should outline the proposed levels.
  - Appropriate cross sections drawings throughout the development shall be submitted on any proposed levels changes or existing level changes shall be outlined.
  - Further details of pollinator friendly planting throughout the site shall be submitted. Details of this can be found on Biodiversity Irelands, All Ireland Pollinator website.
  - Any incidental space that is not in use shall be transformed into a wildflower meadow. The proposed wildflower meadows shall be pollinator friendly.
  - The landscape plan doesn't detail where lighting columns will be located, all lighting columns shall be located a minimum of 5m away from any tree.
  - No landscape mounding shall be incorporated into the landscape plan unless agreed with SDCC Public Realm Section.
  - The proposed meadow areas shown on Drawing No. 00 Landscape Details shall be transformed into wildflower areas to increase local biodiversity green corridors. The applicant shall test the soil nutrition's in the existing grass area to ensure selected seed for the wildflower area will be adequate for the existing soil nutrition's and shall be in line with the national pollinator plan. This shall be submitted and agreed with SDCC Public Realm Section
- REASON: In the interest of the protection of trees and landscape features and the proper planning and sustainable development of the area.

#### 10. Play Areas.

Prior to the commencement of development further details of the proposed play provision shall be submitted to the Planning Authority for approval. Specifications and images are required for each proposed item of play equipment. Details of the materials used, age range, accessibility and whether the piece is suitable for single or group use are required. The proposed play items included in the overall landscape masterplan are of limited play value with limited natural play. All play equipment should be of predominantly natural materials with unstructured play included in the proposed design including the inclusion of universally accessible equipment. The applicant should consider the use of engineered woodchip as playground surfacing material. It should be inclusive for all age groups from 0-13 years. The proposed playground should provide for all abilities. The applicant should include at least one item of equipment that is accessible to wheelchair users. Examples of such items include:

- o Wheelchair roundabout





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o Basket swing

o Wheelchair accessible trampoline

The applicant shall submit details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing.

The applicant should employ the services of a suitably qualified playground designer/contractor. The applicant shall submit and agree in writing with SDCC Public Realm Section a revised play area as part of the landscape proposals.

REASON: in the interest of ensuring safe, quality play provision and the proper, sustainable development in compliance with best practice guidance.

#### 11. Contamination

Should any unexpected contamination be encountered in soils or groundwater with visual or olfactory signs of contamination, works in that area should cease immediately. Examples of such materials include; buried barrels or containers, soil or water with an unusual colour or odour, builders rubble containing asbestos, or soil with a distinctive diesel or oil based component. A risk assessment should then be completed by a suitably qualified consultant to assess the risks to human health and the environment. Should unacceptable risks be identified then appropriate remedial works must be conducted and agreement sought from the relevant regulatory bodies.

REASON: In the interest of human health.

#### 12. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

#### 13. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

#### 14. Street Naming and Dwelling Numbering.

Prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site the applicant, owner or developer shall lodge for the written agreement of the Planning Authority:

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme, and

(ii) This has been acknowledged in writing and confirmed in writing as acceptable by the Planning Authority.

Following receipt of written acknowledgement that the proposed scheme is acceptable, the agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Council requirements.

The development name should:



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1. Avoid any duplication within the county of existing names, and
2. Reflect the local and historical context of the approved development, and
3. Comply with;
  - (a) Development Plan policy, and
  - (b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and
  - (c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and
  - (d) Preferably make exclusive use of the Irish language.

The applicant, developer, or owner is advised to consult with Naming and Numbering Section of the Planning Authority in advance of lodging the required scheme.

**REASON:** In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

**15. Taking in Charge.**

The applicant, developer or owner shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, surface water drains, attenuation infrastructure, manholes etc., forming part of the approved development including where applicable any wayleaves in favour of SDCC or a management company that will be required.

**REASON:** In the interest of the proper planning and sustainable development of the area and compliance with South Dublin County Council's Development Plan.

**16. Council Housing Strategy.**

That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

- (i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and
- (ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

**REASON:** To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

**17. Construction Waste Management Plan.**

All construction waste arising from the development of the site as approved shall be managed in accordance with all relevant statutory provisions and an agreed site specific Construction Waste Management Plan. All such waste shall be kept to a minimum, segregated where appropriate, and disposed/recovered at a waste facility authorised under the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, to accept the categories of waste.

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site the applicant, owner or developer or any other person with an interest in the land to which the development as approved relates shall lodge with the Planning Authority for written agreement:



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A site specific Project Construction Waste and Demolition Management Plan that accords with the requirements both of the Council's Waste Management Section and the Council's Waste Enforcement and Licensing Section.

All construction and demolition waste shall be managed in accordance with this plan which shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in 2006 and the provision of the Waste Management Plan for the Dublin Region. The plan shall include details to the satisfaction of the Council's Waste Management Section and the Council's Waste Enforcement and Licensing Section for all waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Eastern-Midland Region.

A record of daily checks that the works are being undertaken in accordance with the site specific Construction Waste Management Plan shall be kept for inspection by the planning authority.

The plan should also be informed by any Construction Traffic Management Plan required to be prepared and agreed that addresses intended construction practice for the development, including hours of working, construction traffic access route and noise management measures and details of measures to protect watercourses on or adjoining the site from the spillage or deposit of clay, rubble, waste or other debris.

In addition, copies of waste disposal/recovery records, including waste collector dockets/invoices and weighbridge dockets, shall be maintained on site during construction activity and made available, at all reasonable times, for inspection by Authorised Persons as appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the development works, in accordance with the European Communities (Shipment of Hazardous Waste Exclusively within Ireland) Regulations 2011. Waste operations shall only be carried out at such time as authorisation pursuant to the Waste Management Act 1996, as amended, has been obtained. Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interests of public safety, compliance with Development Plan Policy and sustainable waste management.

#### 18. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

#### 19. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I.



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No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before

7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

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

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

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

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

**20. Boundary Treatment**

Prior to the commencement of development further details of the proposed boundary treatment in the form of revised plans shall be submitted to and approved by the planning authority. The details shall include the following:

(a) Details of the front and side boundary treatment to Unit 1 to match the bungalow properties on the opposite side of Peamount Road to the west of the application site. The boundary shall include low walls with railings on top at a total height of no more than 1.2 metres.

(b) A revised boundary for the boundary proposed to the east of Unit 3. The revised boundary shall include a 2 metre wall that would then step down to a height of 1.2 metres after the rear building line and then follow around to the front at a 90 degree angle also at a height of 1.2 metres.

**REASON:** in the interest of visual and residential amenity.

**21. Bats/Flora & Fauna**

The following mitigation measures concerning bats and flora/fauna shall be implemented at all times throughout any works on site including site clearance, demolition and construction:

1. All scrub clearance/essential tree felling shall be undertaken outside of the bird nesting season.

2. All mature trees shall be evaluated for the potential for roosting bats. Trees that are considered by a qualified bat specialist to have roost potential shall be assessed for the presence of bats and if bats are present a derogation shall be sought from NPWS before the tree is re-located. If there are any signs of bats prior to demolition of the buildings, there will be a night-time bat assessment. If demolition occurs out of season (November to March) supervision of roof removal will be carried out by a bat specialist. If bats are noted, demolition will cease until a derogation is secured from NPWS. The Conservation Ranger shall be





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contacted immediately if bats are noted.

3. Bats must be excluded from the stable buildings by a bat specialist under licence from the NPWS. All measures conditioned within the licence from the NPWS shall be implemented under the appointed scientific agent who shall be a bat specialist. Exclusion procedures and mitigation required are indicated below:

(a) Provision of Bat boxes along the perimeter to create roost sites for bats. These shall all open out to the north away from development and into any areas of surviving vegetation. Boxes shall be over 2.5 metres above ground and shall be away from direct illumination. 9 x 2F Schwegler bat boxes or their equivalent are proposed. At least two bat boxes shall be in place to provide roost opportunities for bats in advance of the development completion and to create a roost alternative to compensate for the stable removal. Should bats be encountered during tree felling and tree translocation, additional bat boxes shall be necessary as mitigation.

(b) All buildings shall be assessed by a bat detector assessment to determine if bats are present immediately prior to demolition. If bats are absent the building shall be demolished in the presence of the bat specialist. If bats are present, measures to exclude bats shall be undertaken including the capture and retention of any resident bats if there is no other means of ensuring that bats would re-enter the buildings.

If there are any signs of bats prior to demolition of the buildings, there will be a night-time bat assessment. If demolition occurs out of season (November to March) supervision of roof removal and wall demolition shall be carried out by a bat specialist. If bats are noted, demolition shall cease until the bat has been caught and kept safe until demolition is complete. The Conservation Ranger shall be contacted immediately if bats are noted.

Once the buildings are demolished the bat shall be placed into a bat box close to or within the site and allowed to leave in its own time.

4. Bat boxes shall be checked after a calendar year for evidence of usage. If bat boxes have not been used by bats, it may be necessary to re-position the bat boxes

5. Bird boxes shall be erected in trees to provide alternative nest sites for birds to replace scrub removal. Suggested measures to allow bird nesting are Schwegler 2M nest boxes (4) and Vivara Pro Seville 32mm WoodStone Nest Box Nest boxes (4).

6. Lighting shall be controlled to avoid the illumination of retained vegetation and areas where bat and bird boxes are installed.

7. Flower and plant mixes shall encourage insect diversity and enhanced pollinator success. The following are given as suggested species for insect abundance and diversity: hawthorn, blackthorn, (useful to limit access to sensitive areas) elder, gorse, bramble, in addition to other species such as dog rose with an encouragement of species such as Clematis and other species attractive to moths (e.g. night scented stock, Hebe (beneficial to daytime and some night insects), Lavender, jasmine, rosemary, violets, thyme, blue bells, wisteria, cone flowers and sunflowers (beneficial to a wide variety of insects).

REASON: In order to mitigate the effects of the proposed development on bats.

## 22. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.



23. The developer shall pay to the planning authority a financial contribution of €244,043.58 (two hundred and forty four thousand and forty three euros and fifty eight cents), in respect of public infrastructure and facilities benefiting development within the area of the planning authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2016 - 2020, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the planning authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2016 - 2020.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION

Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing [customerservice@water.ie](mailto:customerservice@water.ie).

24. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:

(A) Lodgement of a cash deposit of €158,360.00 (one hundred and fifty eight thousand three hundred and sixty euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or

(B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €189,010.00 (one hundred and eighty nine thousand and ten euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.



Land Use, Planning & Transportation Department

Telephone: 01 414 9000

Fax: 01 414 9104

An Rannóg Talamhúsáide, Pleanála agus Iompair

Email: [planning.dept@sdblincoco.ie](mailto:planning.dept@sdblincoco.ie)

**NOTES :**

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

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto [www.localgov.ie](http://www.localgov.ie) and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.



19-Nov-2019



Appendix D - Record of Executive Business and Chief Executive's Order, dated 29th  
March 2019.





**Comhairle Chontae Atha Cliath Theas**

PR/0331/19

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

**Reg. Reference:** SD19A/0040      **Application Date:** 05-Feb-2019

**Submission Type:** New Application      **Registration Date:** 05-Feb-2019

**Correspondence Name and Address:** Sarah Forde 4, The Mall, Main Street, Lucan, Co. Dublin

**Proposed Development:** Demolition of existing stables/sheds; construction of 28 dwellings comprised of 8 three bedroom, two storey semi-detached houses (Type A); 7 three bedroom, 2 storey terraced houses (Type B); 6 three bedroom, 2 storey terraced houses (Type C); 3 three bedroom, 2 storey terraced houses (Type D); 4 three bedroom, 2 storey semi-detached houses (Type E); all associated site development works, car parking, landscaping, open spaces, public lighting, connections to foul and surface water drainage/attenuation and water supply.

**Location:** Cornerpark, Peamount Road, Newcastle, Co. Dublin.

**Applicant Name:** Dragonglen Ltd.

**Application Type:** Permission

(FB)

**Description of Site and Surroundings:**

Site Area: Stated as 1.2 Hectares.

**Site Description:**

The site of the proposed development is located off Peamount Road, to the north of Main Street, Newcastle. The site contains two derelict stables and is bound to the south by residential properties along Peamount Road and a burgage plot hedgerow and plots to the south, and to the north by a car sales garage. The site is situated within the Newcastle Local Area Plan area.

Site Visit: 09/03/2019

**Proposal:**

The proposed development will consist of:

- The demolition of existing stables/sheds;
- The construction of 28 dwellings comprised of:
  - 8 3-bedroom 2 storey semi-detached houses (type A);
  - 7 3-bedroom 2 storey terraced houses (type B);

## Comhairle Chontae Atha Cliath Theas

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

- 6 3-bedroom 2 storey terraced houses (type C);
- 3 3-bedroom 2 storey terraced houses (type D);
- 4 3-bedroom 2 storey semi-detached houses (type E).
- All associated site development works, car parking, landscaping, open spaces, public lighting, connections to foul and surface water drainage/attenuation and water supply.

#### **Environmental Impact Assessment:**

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

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

An Appropriate Assessment Screening Report prepared by Brian Keeley was submitted with the application. This will be discussed further under the 'assessment' section of this report.

#### **Zoning:**

The subject site is subject to zoning objective 'RES-N' - 'To provide for new residential communities in accordance with approved area plans'.

The site is subject to the *Newcastle Local Area Plan*.

Site borders:

'RES' lands to the south, the objective of which is 'To protect and/or improve residential amenity'.

The site is situated to the north and borders *Newcastle Architectural Conservation Area*.

#### **Consultations:**

*Environmental Services Department – Water & Drainage Design:* Additional information requested.

*Housing Strategy Unit:* No objection, subject to conditions.

*Housing Provision and Financial Management:* No report received at time of writing.

*Parks and Landscape Services Department / Public Realm:* Additional information requested.

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

*Public Lighting:* No report received at time of writing.

*Roads:* No objection, subject to conditions.

*Waste Management:* No report received at time of writing.

*Waste Enforcement:* No report received at time of writing.

*Irish Water:* Additional information requested.

*Heritage Officer:* Additional information requested.

*Architectural Conservation Officer:* No report received at time of writing.

*National Monuments Service:* No report received at time of writing.

*Department of Defence:* Observation noted.

*Department of Culture, Heritage and the Gaeltacht:* No report received at time of writing.

#### **SEA Sensitivity Screening:**

Indicates overlap with:

- Areas of Archaeological Potential;
- Record of Monuments and Places DU020-003 – Newcastle Village.

Borders:

- Newcastle Village Architectural Conservation Area to the south.

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

A number of submissions were received from the adjoining landowners of the subject site. The main issues raised include:

- No objection to the principle of the proposed development, however a connection to the lands to the south and north should be provided.
- A foul and surface water connection should also be provided to adjoining lands.

A representation was also made from Mayor Mark Ward on behalf of local residents in Peamount who would like to see this development to be in line with the existing homes in the area.

The issues raised in the submissions and representation received have been taken into account in the assessment of the proposed development.

## Comhairle Chontae Atha Cliath Theas

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

#### Relevant Planning History:

##### *Subject site*

None recorded.

##### *Adjacent sites*

*SD15A/0193 and PL06S.245943*

Demolition of 3 dwellings and associated sheds/garages (4) totalling c.786 sq.m. Construction of a new residential development comprising 73 no. 2-storey, 3/4/5 bed, detached, semi-detached and terraced houses ranging in size from c.107sq.m to c.176sq.m; provision of a new vehicular entrance to service 71 of the houses with 2 houses having direct frontage/access to Main Street; additional access to the Castlelyon residential development to the east; all associated site development, landscaping, open spaces, boundary treatment works, car parking, bin storage and infrastructural services provision.

Decision: SDCC Grant permission, subject to conditions. Appeal Withdrawn.

#### Relevant Enforcement History:

None recorded.

#### Pre-Planning Consultation:

*SHDISPP019/18*

Pre-planning meeting was facilitated on 03/12/2018 by the Area Planner for a larger development of 117 residential dwellings, consisting of 64 semi-detached and terraced houses, 10 duplex/apartment units & 43 apartments, on a site area of circa 3ha, located east of Peamount Road, west of existing Castlelyon & Aylmer residential estates, north of the Main street, in Newcastle, County Dublin.

SDCC attendance: Senior Executive Planner, Area Planner, Roads and Water Services Departments were in attendance.

#### Applicant advised:

- Applicant advised that the Planning Authority will use the provisions of the **Newcastle Local Area Plan** when assessing the application. The site is located within the Burgage North and Peamount Neighbourhoods.
- Applicant advised that the site is located within the Newcastle Architectural Conservation Area.
- Adherence to National Standards & specifically the Urban Design Manual: A Best Practice Guide 2009, Sustainable Residential Development in Urban Areas, 2009 (or any

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

superseding document), Design Manual for Urban Roads and Streets (2013) and the 2018 Apartment Guidelines.

- Adherence with 2016-2022 CDP in terms of certain material required to facilitate the comprehensive assessment of any subsequent planning applications such as:
  - Comprehensive Urban Design Statement
  - Architectural Design Rationale with reference to the Newcastle Architectural Conservation Area
  - Climate Change & Adaptation Statement
  - SUDS
  - Public Realm
  - Car parking standards
  - Bike parking standards
  - Part V agreement
  - Clear delineation of areas to be Taken-in-Charge.
  - Creche
  - Landscape Masterplan
  - Hedgerow Plan
  - Bat survey
- Additional information which may be required includes:
  - AA Screening Report
  - Schedule of units, sizes, amount of storage space, no. of rooms

### *Density:*

- Applicant proposed 39 units per hectare. Strongly advised to revise the densities proposed to be in line with the Newcastle Local Area Plan.

### *Urban Design:*

- Strongly advised that the retention of ALL hedgerows on the site should form the basis for an urban assessment of the site and subsequently any proposal.
- The layout in the Local Area Plan should be consulted as a guide.
- Proposal for apartments cautioned, having regard to the village setting and the Local Area Plan.
- Proposed heights for apartment blocks – up to four storeys – strong cautioned.
- Proposed streets should be designed to the standards set out in the Design Manual for Urban Roads and Street and the Urban Design Manual. Engineering solutions such as speed ramps will be strongly discouraged and the principles of self-regulating streets should be considered as part of any design proposal for this site.
- Excessive street widths proposed strongly discouraged – due to non-compliance with the Design Manual for Urban Roads and Streets.
- Character areas encouraged through architectural variety.

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

- Home zones encouraged.
- Play areas should be natural and not be equipment focused. Advised to consult the Parks Department for further details.
- Parking spaces will require additional planting between at least every four spaces.

### **Green Infrastructure:**

- Strongly advised that green infrastructure should form part of any proposed development.

### **Heritage, Biodiversity and Archaeology**

- A Bat Survey will be required. Advised that survey work is seasonal. Advised to consult with Heritage Officer.
- Ecological Survey will be required.
- Hedgerow Survey and Protection Plan Required. Arborist Report and Tree Plans required. Recommended to consult with Parks Department for requirements.
- Site situated within Zone of Archaeological Potential and within Recorded Monument – Newcastle Village. Archaeological Survey will be required.

### **Flood Risk and Drainage**

- Flood Risk Survey required.
- Green Infrastructure encouraged.

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

#### *UC Policy 3 – Village Centres*

*It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.*

#### *UC3 Objective 1*

*To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs).*

#### *HCL Policy 1 – Overarching*

#### *HCL Policy 4 Architectural Conservation Areas*

*HCL4 Objective 2: To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or*

## Comhairle Chontae Atha Cliath Theas

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

*enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.*

#### *11.5.3 – Architectural Conservation Areas*

##### *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.

#### *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.

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#### *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 HCL2 Archaeological Heritage*

#### *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, 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.



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

### *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*

#### *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*

#### *11.2.0 – Place Making and Urban Design*

### *Section 11.2.0 Place Making and Urban Design*

#### *Section 11.2.1 Design Statements*

#### *Section 11.2.3 Town and Village Centres*

#### *Section 11.2.7 Building Height*

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

#### *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*

#### *Table 11.20: Minimum Space Standards for Houses*

#### *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*

#### *Section 11.7.2 Energy Performance in New Buildings*

#### *Section 11.8.1 Environmental Impact Assessment*

#### *Section 11.8.2 Appropriate Assessment*

#### **Relevant Government Guidelines:**

***Project Ireland 2040 National Planning Framework***, Government of Ireland, (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).

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

*Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government, (2008).

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

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

*Regional Planning Guidelines for the Greater Dublin Area 2010-2022*, Dublin Regional Authority & Mid-East Regional Authority, (2010).

*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)

*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)

#### **Assessment:**

The main issues for assessment relate to:

- Zoning
- Council policy & Residential Amenity
- Urban Design, Architectural Form and Visual Impact
- Impact on Architectural Conservation Area
- Internal Accommodation
- Private Open Space
- Access, Parking & Permeability
- Landscaping, Boundary Treatment & Public Open Space
- Density
- Part V Social & Affordable Housing
- Noise and Environmental Health
- Services & Drainage

# Comhairle Chontae Atha Cliath Theas

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

- Waste Management
- Heritage & Biodiversity
- Screening for Appropriate Assessment

### **Zoning**

The subject site is subject to zoning objective 'RES-N' - *'To provide for new residential communities in accordance with approved area plans'*.

A residential development is 'permitted in principle' in accordance with the zoning matrix.

The subject site is also governed by the Newcastle Local Area Plan. Compliance with the Local Area Plan will be discussed under 'Council Policy & Residential Amenity' below.

Furthermore, the area is also situated adjacent to the Newcastle Architectural Conservation Area.

### **Council Policy & Residential Amenity**

The proposed development is subject to Newcastle Local Area Plan and is situated within the 'village edge' of the Peamount neighbourhood.

Objective LUD8 of the Local Area Plan states, *'residential development within the settlement edge shall consist of low density detached and semi-detached residential housing (15-20 dwellings per hectare) on large garden plots. Such housing shall provide an appropriate and soft transition with the adjoining open countryside and shall be set amongst generously planted streets and open spaces that includes for semi-mature planting'*.

Objective PN9 of the Local Area Plan states, *'Development within the Settlement Edge of the Peamount Neighbourhood shall only provide for residential uses up to a maximum density of circa 20 dwellings per hectare'*.

Objective PN11 states *'Development of the Settlement Edge area of the Peamount Neighbourhood shall comprise detached and semi-detached houses in order to provide an appropriate transition with the rural hinterland and the ensure for the provision of low density housing as an alternative to rural housing'*.

The density of the proposed development is approximately 23 units per hectare (gross), based on the stated area of 1.2 hectares, and the proposed typologies include semi-detached and terraced dwellings. Three rows of terraces are proposed, which would not be in accordance with the objectives of the Local Area Plan in this location.

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

Objective GI21 requires that an Archaeological Assessment Report be submitted with all Planning Applications within the Zone of Archaeological Potential.

The application includes an Archaeological Impact Assessment Report. This will be discussed further below.

Objective GI28 requires the submission of a Bat Survey as part of every planning application for development.

A Bat Survey has been submitted. This is will assessed further under 'Heritage & Biodiversity'.

Objective GI7 requires that historic burgage plot boundaries are protected and GI8 requires details demonstrating how these boundaries will be enhanced and reinstated, with a comprehensive hedgerow survey.

The application has not adequately demonstrated how the burgage hedgerows will be protected. Burgage hedgerows should be located within areas of public open space to maintain their integrity. The lack of a masterplan for the adjoining lands is not considered satisfactory in terms of complying with the objectives of the Local Area Plan relating to the protection of the burgage plots.

Objective PN5 states that development of the Peamount Neighbourhood shall *'include for a through Green Link Street with Peamount Road as part of an east-west through route that will connect the neighbourhoods on the northern side of Main Street and Aylmer Road with Peamount Road'*.

A future connection is indicated to the lands south of the proposed site, which would potentially connect to Main Street in accordance with the Local Area Plan. The design and detail of streets will be assessed further below.

Objective GI12 of the Local Area Plan seeks *'To promote the sustainable collection and on-site retention of surface water for delayed discharge to the local water system and for use as an on-site resource and as a means of creating a biodiversity network that will retain and develop existing flora and fauna'*.

Objective GI13 requires that a linked SUDS network be fully implemented and GI15 requires *'that existing natural swales, ditches and hedges shall be retained to form an integral part of the overall SUDS network'*.

The applicant has not demonstrated that they have complied with the objectives of the Local Area Plan relating to SUDS and Green Infrastructure. It should be noted that the retention of burgage hedgerow plots and the incorporation of SUDS have directly informed the development strategy of

## Comhairle Chontae Atha Cliath Theas

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

the Local Area Plan. It is not considered that the proposed layout has been led by a SUDS strategy. It is also considered, particularly, in light of the future development potential of adjoining plots, and in light of the pre-planning consultation for a wider area, that a SUDS strategy for the site should consider how it will link to adjoining sites.

Overall, it is considered that the proposed development does **not accord** with the objectives of the Newcastle Local Area Plan by virtue of the proposed layout, future retention of hedgerows and green infrastructure.

The proposed development would involve the construction of 28 residential units, configured as three terrace blocks and six pairs of semi-detached units, two storeys in height. Parking is provided on-street, with no front gardens and limited defensive spaces situated between the public realm and the properties. The proposed terrace typology would not accord with the Local Area Plan, which stipulates that units shall be detached or semi-detached (Objective PN 11).

#### ***Urban Design, Architectural Form and Visual Impact***

The urban design and layout of the proposed development is not considered to be acceptable and would not comply with best practice as set out in the *Urban Design Manual: A Best Practice Guide* (2009) and having regard to the provisions of the *Newcastle Local Area Plan* on a number of grounds:

- The development of this site needs to be cognisant of the future development of the 'RES-N' lands to the south and to the north, adhering to the objectives of the Newcastle Local Area Plan relating to the retention of burgage plots and hedgerows. A pre-planning consultation held for this site also included sites to the south. The Planning Authority express serious concerns that a piece-meal form of development may occur, which would seriously undermine the objectives of the Local Area Plan, and the historic significance of the burgage plot form in Newcastle. This would be contrary to best practice urban design principles. While indicative connections are indicated on the site layout, the applicant should demonstrate by way of an indicative masterplan layout, how a proposed development on this site would relate to adjoining lands and not hinder their development potential or negatively impact on the future residential amenity of residents. Furthermore, a masterplan layout should indicate, at a minimum, how the retention of burgage plots can be incorporated into the development.
- Plots 25-28 and plot 24 would undermine the protection of the historic burgage hedgerow to the south of the site. The retention of all burgage hedgerows is a priority and an objective of the Newcastle Local Area Plan. While it is acknowledged that this is a challenge, as stated during pre-planning consultation, any proposed layout will have to demonstrate the retention of this hedgerow. As such the hedgerow should be located within areas of public open space and not located within or bordering private gardens.

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

- Three terrace blocks are proposed. The Planning Authority express serious concerns relating to the design and layout of the terrace blocks in this location, having regard to the provisions of the Local Area Plan, but also having regard to the site context and location. In particular it is considered plots 5-11 (containing 7 houses) and plots 16-21 (containing 6 houses), have not responded to their unique site context and the provisions of the Local Area Plan.
- The lack of front gardens and the lack of in-curtilage parking creates an urban form which is not in keeping with the context of this transitional area – which should address the rural interface and as such contravenes the objectives of the LAP.
- It is not considered that the design of the 'dual frontage' units is acceptable. Furthermore, plots 2 and 3 would contain approximately 45 m of a 2 m concrete wall. A design which addresses the corners is required in such cases.
- The location and configuration of parking at plot 5 is unacceptable.
- No details of bin storage is provided. This is considered to be an unacceptable omission, considering that the majority of units do not have direct access to a rear garden.
- The location of utility boxes have not been shown. The applicant should clarify the position of utility boxes (gas/electricity) and demonstrate what design measures have been taken to integrate these into the design of the structures. Details should be submitted by way of **additional information**.
- The Planning Authority is not satisfied that the proposed layout is compliant with the Design Manual for Urban Roads and Streets. The applicant should submit details demonstrating how they have complied with DMURS.
- The streets should contain street trees, in accordance with the Local Area Plan, in terms of visual amenity and in terms of providing ecological corridors for bat protection.
- A Design Statement and Planning Report has been submitted. However, these are lacking in information and have failed to illustrate the design rationale for the proposal and limited information is provided relating to the materials and finishes. Materials and finishes should reflect the existing historic building stock of Newcastle and be of a high quality.
- No photomontages have been submitted to enable a complete visual impact assessment to be undertaken.
- No site contiguous elevations or cross sections have been submitted which clearly illustrate site levels, boundary treatment and open spaces. Therefore, the Planning Authority is unable to conduct a full and thorough assessment of the impact of the proposed development on the surrounding area.
- House Type E contains 'optional patio doors'. All planning drawings should clearly indicate what is sought.
- Existing boundary treatment to the north, along the proposed entrance road to the site contains a palisade fence. This is unacceptable. A revised boundary treatment should be agreed with the adjoining landowner. It is noted that the site layout indicates that existing

## Comhairle Chontae Atha Cliath Theas

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

boundaries to the north are to be agreed. As part of this assessment, this should be addressed by the applicant by way of additional information. Palisade fencing is not considered acceptable.

The Newcastle Local Area Plan sets out specific design measures for the development of these lands. Considering the above serious deficiencies it is considered that the proposed development falls considerably short of the required standards. However, the Planning Authority support the principle of the proposed development and also acknowledge the importance of developing this site in allowing the objectives of the Local Area Plan to be implemented. Therefore, for this reason, it is considered that the applicant should be offered the opportunity to address these concerns by way of **additional information**.

#### *Impact on Architectural Conservation Area*

The site of the proposed development is located adjacent to the Architectural Conservation Area (ACA). Considering the proposed development would be located to the rear of Main Street and lies outside the ACA, it is considered that any impact on the ACA would be minimal to moderate. However, a number of concerns are noted. As noted, the Design Statement submitted is considerably lacking in information relating to materials and finishes and fails to provide a detailed site analysis or design rationale. Therefore, a full visual and architectural assessment cannot be conducted in the absence of this information. It is therefore considered appropriate that these issues be addressed by way of **additional information**.

#### *Internal Accommodation*

The guidance on internal accommodation within dwellings is detailed in *Quality Housing for Sustainable Communities: Best Practice Guidelines* (2007). The applicant has not submitted a Quality Housing Assessment Report with the application, indicating compliance with National and Development Plan Standards and overall sizes are not clearly indicated on each house type. It is not clear from the plans submitted the intended number of occupants (i.e. 4 person or 5 person dwellings) and therefore the Planning Authority cannot determine compliance with *Quality Housing for Sustainable Communities: Best Practice Guidelines* (2007). Additionally, compliance with storage requirements cannot be determined due to a lack of clarity, absence of dimensions and lack of a Quality Housing Assessment Report. The plans submitted state 'note attic storage'. However, no attic plans are submitted and no details of access. Due to a lack of information submitted and the requirement for clarity, it is considered that **additional information** be sought to address these concerns.

#### *Private Open Space*

Table 11.20 'Minimum Space Standards for Houses' contained within the County Development Plan sets out the quantum of private open space that should be provided. A three bedroom should have 60sq.m. The site layout plan poorly indicates the quantum of private open space for a number of dwellings. This is not indicated for a number of dwellings, including plots 25-28. Furthermore,



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

where areas are indicated, it is not always clear which plot they relate to (plots 18 and 19; plots 19 and 20). This is unacceptable. The Planning Authority express concerns relating to the quantum of private open space provided for plots 25-28 and the close proximity to the existing hedgerow. Furthermore, serious concern is expressed relating to the configuration of private open space for plots 2 and 3, which front the public realm. Therefore, as a result of these issues, the Planning Authority is unable to make a full and comprehensive assessment. The applicant should clearly indicate the quantum of private open space by way of **additional information**, which should be clearly indicated on the site layout and also included in a Quality Housing Assessment.

#### *Access, Parking & Permeability*

The proposed development would involve access from Peamount Road, to the west of the site. A report was received from the Roads Department has noted no objections, subject to conditions. It is required that the site layout illustrate future connections to the lands to the south shown up to the boundary.

Notwithstanding the report received from the Roads Department, the Planning Authority has concerns in relation to the general layout and street hierarchy and the general design and layout of the parking.

- The proposed movement framework is not considered to be compliant with the Design Manual for Urban Roads and Streets (DMURS). The proposed new route is considered to be a local street in accordance with provisions of the Local Area Plan which proposes a 'green link', pursuant to Objective PN5. Therefore, it is considered that the carriageway should be 5 m, in accordance with DMURS and not 6 m.
- The cul-de-sac formed to the north of 'open space no. 2' is not considered appropriate.
- The proposed car parking bay at plot 5 is not considered to be acceptable, which creates an unacceptable public realm, which would hinder the movement of pedestrians.
- The level of detail provided demonstrating future connections to adjoining lands is not adequate.

Considering the above concerns, it is considered that these be addressed by way of **additional information**.

#### *Landscaping, Boundary Treatment and Public Open Space*

The Planning Authority express serious concerns relating to the lack of detail provided relating to boundary treatment, particularly at the proposed entrance to the development off Peamount Road. Existing palisade fencing along the northern section of the site which borders the existing car sales premises is not considered acceptable. The site layout submitted indicates that boundary treatment will be agreed with the adjoining lands owner. This lack of clarity is not considered to be acceptable and appropriate boundary treatment should be proposed as part of this planning application. It is considered that this be addressed by way of **additional information**.

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

Hedge planting between gardens is not considered suitable and should be replaced with a suitable timber fence.

The location of the public open space to the east of the development is not considered appropriate, with limited overlooking and passive surveillance.

No cross sections have been provided through the site.

A report received from the Parks and Landscape Services Department has requested additional information relating to the following:

- A revised landscape plan;
- SUDS and Green Infrastructure compliant drainage scheme;
- Tree/hedgerow and Arborist Report;
- Details of taking in charge;
- Play equipment;
- Bat Survey;
- Ecological Report;
- Universal accessibility map.

It is considered reasonable and appropriate that a number of the issues addressed by the Parks and Landscape Services Department are addressed by way of **additional information**.

#### *Density*

The density of the proposed development has been calculated at approximately 23 units per hectare (gross), which is based on the stated site area of 1.2 hectares. In accordance with Objective PN9 of the Newcastle Local Area Plan, a maximum density of 20 units per hectare should be provided in the 'settlement edge' or the Peamount neighbourhood, in order to create a transition zone between the rural hinterland.

#### *Part V Social & Affordable Housing*

A report was received from the Housing Department which notes that in the event of a grant, the unit numbers, types, location and costings in respect of the Part V requirement should be agreed with the Housing Department subject to approval of the Department of Housing, Planning, Community and Local Government. It is considered appropriate to attach such a **condition** in the event of a grant.

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#### *Noise & Environmental Health*

The file was referred to the H.S.E. Environmental Health Officer but no report was forthcoming. In lieu of a report received, it is considered that in the event of a grant of permission, **conditions** relating to noise, air quality, refuse storage, lighting and pest control may be attached. A report was received from the Department of Defence, with respect to the site's proximity to Casement Aerodrome. It is noted that the site may be subject to a high level of noise from aircraft operating in the vicinity of the aerodrome.

#### *Services and Drainage*

A report received from the Water Services Section has requested that additional information be submitted to enable a full and comprehensive assessment. The received report notes the following:

- The surface water layout does not comply with the Greater Dublin Regional Code of Practice for Drainage Works.
- Invert levels of the existing surface water drain are not in compliance with GSDS standards.
- The proposed attenuation system is too close to trees in public open space.
- No percolation tests were carried out at the location of the proposed drains.
- No drawing were submitted showing the water storage system for the proposed site.

A report received from the Parks and Landscape Services Department has noted that the proposed drainage scheme does not comply with the objectives of the County Development Plan. Furthermore, as previously noted, the proposed drainage scheme would not comply with the provisions of the Newcastle Local Area Plan, which requires that the existing green infrastructure network be used, in addition to natural drainage features, as part of the overall drainage plan for the site. The Planning Authority consider that a revised drainage scheme be devised which complies with the provisions of the Newcastle Local Area Plan, relating to green infrastructure and sustainable urban drainage and the provisions of the County Development Plan. A revised drainage layout should be agreed with both the Parks and Landscape Services Department and the Water Services Department. It is considered that this be addressed by way of **additional information**.

A report received from Irish Water has requested that additional information be submitted, relating to foul water. The following concerns are noted:

- The applicant is proposed to divert an existing 225mm foul water sewer without a written agreement from Irish Water to this diversion.
- Each property does not have a separate foul water connection to the proposed public foul sewer.
- The surface water attenuation tank is too close to the proposed foul sewer.
- No written agreement from Irish Water to allow the proposed development to connect to the 225mm foul sewer leading to the foul sewer pumping station.

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

It is considered reasonable that the concerns of Irish Water are addressed by way of **additional information**.

#### *Waste Management*

No report was received from the Environment Department (Waste Management Section). The proposed development is in excess of the threshold of 'new residential development of 10 units or more' contained within Section 11.6.5 (iv) of the County Development Plan.

The applicant has submitted a Construction and Demolition Waste Management Plan. It is considered appropriate - in lieu of a report from the Waste Management Section to address this issue by way of **condition**, in the event of a grant.

#### *Heritage & Biodiversity*

The Newcastle Local Area Plan sets out to retain and reinstate the historic field, townland and burgage plot boundaries and associated hedgerows and ditches that characterise Newcastle Village on the basis of their heritage value in terms of culture and biodiversity and including foraging routes for protected species such as bats.

In accordance with the provisions of the Newcastle Local Area Plan, all planning applications should be accompanied by an Archaeological Impact Assessment. The site is located within a Zone of Archaeological Potential and Recorded Monument, DU020-023. The file was referred to the Department of Culture, Heritage and the Gaeltacht but no report was forthcoming. An Archaeological Impact Assessment Report was prepared and submitted with the application. Mitigation measures relating to monitoring and reporting are recommended. Notwithstanding the absence of a report, it is considered, given the nature of the proposed development and significance of the area for archaeology that **additional information** be requested from the applicant, to include the carrying out of test trenches. Figure 4.2 of the Newcastle Local Area Plan illustrates burgage plots. A burgage plot line runs through the centre of the subject site. It is therefore considered reasonable that additional archaeological work is carried out to assess this and the potential for any archaeological findings. This is considered reasonable, having regard to similar requests for sites within the Zone of Archaeological Potential. It is also considered that the proposed landscaping strategy respond to this historic boundary line. It should be noted that the Planning Authority will be advised by the Department of Culture, Heritage and the Gaeltacht in relation to any potential findings of archaeological remains on this site.

A report was received from the County Heritage Officer. For clarity, the comments include:

*I note that a bat survey was conducted over one single night for dusk and dawn bat activity. The report is not clear, however, on whether or not a detailed survey of the stable buildings/outhouses was undertaken.*

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*The proposed development site is located within the Newcastle village area where bat activity is known to be high and where a monitoring programme of other local bat roosts is underway.*

*I would be concerned therefore that it is not clear whether or not a detailed daytime survey of the outhouses was undertaken, particularly as the report includes a recommendation to undertake such a survey as part of the mitigation measures proposed for any development occurring (Section 4, Mitigation for flora and faunal impacts).*

*As all bats are protected under the Wildlife Act and the EU Habitats Directive, it would be appropriate to request further bat survey information from the applicant/developer prior to any decision on a grant being finalised.*

*I therefore request that Additional Information be sought which requires the undertaking of a detailed daytime survey of the outhouses for their potential as bat roosts.*

It is considered appropriate that the concerns of the Heritage Officer are addressed by way of **additional information**.

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

The applicant submitted an Appropriate Assessment Screening Report with the application. Considering that additional information is required relating to drainage and considering that the Planning Authority does not consider that the proposal complies with policies pertaining to Green Infrastructure contained within the County Development Plan and the Newcastle Local Area Plan, it is considered that a Stage 2 Appropriate Assessment cannot be ruled out at this juncture. Additionally, considering the deficiencies relating to bat surveys and ecology, it is considered that an Appropriate Assessment Screening should be undertaken if **Additional Information** is sought and appropriately responded to.

#### **Conclusion:**

In its current design, layout and configuration the proposed development is unacceptable and would not accord with best practice urban design principles. It would seriously compromise the provisions of the Newcastle Local Area Plan relating to the retention of burgage plots and hedgerows, green infrastructure and sustainable urban drainage. Furthermore, the proposed development has not addressed the future potential development of adjoining plots, with reference to the challenges posed by the presence of burgage hedgerows.

While the Planning Authority accepts the principle of a residential development in this location, as outlined in the LAP, it is considered that the layout, design and detail of the proposal falls considerably short. As outlined in the assessment, the application is lacking in detail to enable a full and comprehensive assessment. Therefore, the Planning Authority considers that the applicant be invited to address all of the concerns of the Planning Authority by way of **additional information**.

## Comhairle Chontae Atha Cliath Theas

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

The applicant is advised that a revised site layout and design should address all of the concerns of the Planning Authority in accordance with the below.

The applicant is cautioned that the proposal is considered to be seriously deficient in information required for a residential development and, in its present state would contravene a number of objectives of the Newcastle Local Area Plan and the County Development Plan. Furthermore, it fails to introduce best practice Urban Design, which responds to the site constraints and context. As such the applicant is strongly advised to fully address all of the concerns of the Planning Authority, as outlined below.

It is recommended that **Additional Information** is sought to address the concerns of the Planning Authority.

#### **Recommendation**

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

#### **1. Site Layout and Design.**

The Planning Authority has significant concerns with respect to the design and layout of the proposed development. The applicant is therefore requested to submit revised drawings incorporating an alternative site layout and design which should include, but not be limited to, the following amendments:

- (i) A revised layout which demonstrates the retention of the burgage hedgerows, in line with the provisions of the Newcastle Local Area Plan. Plots 24 and 25-28 would undermine the protection of the existing hedgerow as the hedgerow would not be situated within public open space.
- (ii) An indicative masterplan layout for the adjoining sites, demonstrating how future layouts and connections would not compromise the integrity of the burgage plots, in accordance with the provisions of the Local Area Plan.
- (iii) Revised typologies which incorporate semi-detached units, in line with the provisions of the Newcastle Local Area Plan.
- (iv) Cross sections through the development should be submitted.
- (v) Site contours and levels shall be clearly indicated on the revised site layout plan.
- (vi) The applicant should demonstrate how they have complied with the Design Manual for Urban Roads and Streets and in particular the principle of self-regulating streets. Hard engineering solutions such as speed ramps and measures such as railings are not acceptable.
- (vii) An increase in the number of street trees within public space in the development which should comply with the standards of the Parks and Landscape Services Department

## Comhairle Chontae Atha Cliath Theas

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

and comply with the Newcastle Local Area Plan.

(viii) A suitable location for the storage of bins shall be indicated on revised drawings which accords with best practice urban design principles. Such storage areas, if relevant, shall be designed as an integral part of the scheme such as not to detract from visual or residential amenity and sufficient details should be submitted.

(ix) SuDS features should be included in the proposed design, in accordance with the South Dublin County Council Development Plan 2016-2022 requirements. The proposal should comply with the Green Infrastructure standards which are set out in the Newcastle Local Area Plan.

(x) Include 'defensible space' between the public realm and individual units, where appropriate.

(xi) The location of utility boxes should be clearly shown and incorporated into the design of the units.

(xii) Demonstrate how an appropriate quantum and quality of private open space has been achieved in any revised layout by clearly indicating on the site layout plan the area in sq.m of private open space and the principal dimensions, in order to comply with Table 11.20 'Minimum Space Standards for Houses' of the County Development Plan.

(xiii) The provision of an appropriate quantum and quality of public open space, which complies with the County Development Plan, and which is inclusive, usable and has a high degree of passive surveillance should form part of any revised layout.

(xiv) A Universal Accessibility Map should be submitted to demonstrate that the development is inclusive to people of all abilities.

#### 2. **Bat Survey**

The burghed hedgerows and stables/outbuildings on site provide good habitat for foraging and potential bat roosts. The applicant is requested to undertake a detailed daytime survey of the outhouses for their potential as bat roosts. This is to be undertaken by a qualified and experienced bat expert at the appropriate time of the year for the survey of these species.

#### 3. **Archaeology**

Newcastle Village is noted for its historic origins, in particular its prehistoric and its medieval history. Given the location of the proposed development site within the Zone of Archaeological Potential, the applicant is requested to conduct a geophysical survey of the subject site, following by appropriate test trenches at locations chosen by a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Culture, Heritage and the Gaeltacht. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

## Comhairle Chontae Atha Cliath Theas

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

#### 4. Urban/Architectural Design

The applicant is requested to submit an Urban Design and Architectural Design Statement which shall include, but not be limited to the following:

- (a) Detailed Site analysis
- (b) Concept Plan
- (c) Design rationale
- (d) Material palette
- (e) Visual impact
- (f) Compliance with Newcastle Local Area Plan.

#### 5. Quality Housing Assessment

The applicant is requested to submit a Quality Housing Assessment demonstrating how the proposed development complies with the standards outlined in Quality Housing for Sustainable Communities: Best Practice Guidelines (2007) and the South Dublin County Council Development Plan, for internal rooms, storage and private open space.

#### 6. Ecological Assessment /Screening Report

The applicant is requested to submit an ecological assessment/screening report clearly outlining if the biodiversity value present on the proposed site, including hedgerows, trees and presence of protected species such as badger. This should include an invasive species assessment, and should be conducted by a suitably qualified ecologist.

#### 7. Surface Water

The Water Services Section has the following concerns:

- The surface water layout for the development does not comply with GDSDS Greater Dublin Regional Code of Practice for Drainage Works.
- Invert levels of existing surface water drain are not in compliance with the GDSDS standards.
- Surface water attenuation system is too close to proposed diverted foul sewer.
- Proposed attenuation system in public open space is too close to trees.
- There are no percolation test carried out at location of proposed filter drains.
- There are no drawing showing surface water storage system for proposed site.

The applicant is requested to submit:

- (a) A revised drawing showing the surface water layout for the development up to and including the point of connection to the public surface water sewer. The drawing should include the location of all manholes, pipe size, material type, and direction of flow, invert levels and a longitudinal sectional drawing with manholes correct numbers.
- (b) Submit percolation test results to demonstrate that the proposed filter drains complies with requirement of BRE Digest 365 standards.
- (c) Surface water storage system plan and cross sectional drawings shall be submitted with levels at inlet and outlet.



## Comhairle Chontae Atha Cliath Theas

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

(d) Prior to submission of revised surface water system contact the water services section of SDCC to discuss revised proposal.

In responding to this:

The applicant is requested to submit revised surface water drainage proposals having regard to Section 5.3.5 of the Newcastle Local Area Plan.

The applicant is requested to revise the drainage layout and provide a SUDS system which complies with the objective of the Development Plan and Newcastle LAP, to the satisfaction of the Parks and Landscape Services and Water Services Departments. A comprehensive management and maintenance plan should also be included as a demonstration of how the system will function following implementation.

**8. Roads Issues**

The applicant is requested to submit, as additional information, a revised site layout which shows the following:

Roads which are to provide future connectivity to adjoining sites must be laid up to the boundary and shown on all drawings submitted.

**9. Boundary Treatment.**

The applicant is requested to submit details relating to proposed boundary treatments on the site, including the entrance to the proposed development from Peamount Road. Palisade fencing is not appropriate and the applicant is requested to provide a suitable alternative to this.

**10. Irish Water.**

The applicant is request to submit the following information requested by Irish Water:

(a) Obtain a letter or email from CDS (Connection Development Services) of Irish Water to agree to the proposed diversion of the existing 225mm foul sewer for the development. Such a letter or email of agreement shall be submitted to the Planning Authority.

(b) The proposed foul sewer distance to surface water storage system 01 is approximately 1 meter. The clear distance required is a minimum of 6 meters, being normally 3 meters either side of the centreline of the pipe.

(c) Submit a revised drawing in plan view showing the proposed foul drain layout of the development up to an including the point of connection to the public sewer. The drawing should include the location of all AJ's, manhole, invert and cover levels, pipe size, gradient, material type and direction of flow.

(d) The right of way to the pumping station needs to be agreed with Irish Water.

(e) The foul sewer connection to FWMH-D05 (proposed at 90 degree bend) shall be revised to comply with Irish Water Standards.

**11. Taking in Charge.**

The applicant is requested to submit details indicating the areas to be taken in charge by South Dublin County Council.

## **Comhairle Chontae Atha Cliath Theas**

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

#### **12. Trees**

The applicant shall submit and agree a comprehensive Tree Report with SDCC Public Realm Section. This shall comprised of a detailed Tree Survey and Arboricultural Impact Assessment, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by 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).

#### **13. Landscape Design Proposals and Rationale**

The applicant is requested to submit a Landscape Design Rationale together with comprehensive and detailed landscape proposals, all prepared by a qualified Landscape Architect (or qualified Landscape Designer), for the written approval of South Dublin County Council Public Realm Section.


**Comhairle Chontae Atha Cliath Theas**

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

**REG. REF. SD19A/0040**

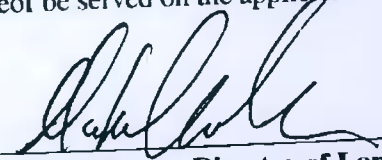
**LOCATION: Cornerpark, Peamount Road, Newcastle, Co. Dublin.**

PP   
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**Fiona Redmond,**  
**Senior Executive Planner**

  
\_\_\_\_\_  
**Jason Frehill,**  
**Senior Planner**

**ORDER:** I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date: 29/March/2019.

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



Appendix E - Record of Executive Business and Chief Executive's Order, dated 10th  
October 2019.



# Comhairle Chontae Atha Cliath Theas

Palmlia

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

**Reg. Reference:** SD19A/0040  
**Submission Type:** Additional Information

**Application Date:** 05-Feb-2019  
**Registration Date:** 13-Sep-2019

**Correspondence Name and Address:** Sarah Forde 4, The Mall, Main Street, Lucan, Co. Dublin

**Proposed Development:**

244,043.58 PM  
189,010.00 PM  
158,360.00 PM  
20,000.00 PM  
Tree/Hedgerow  
Bord

Demolition of existing stables/sheds; construction of 28 dwellings comprised of 8 three bedroom, two storey semi-detached houses (Type A); 7 three bedroom, 2 storey terraced houses (Type B); 6 three bedroom, 2 storey terraced houses (Type C); 3 three bedroom, 2 storey terraced houses (Type D); 4 three bedroom, 2 storey semi-detached houses (Type E); all associated site development works, car parking, landscaping, open spaces, public lighting, connections to foul and surface water drainage/attenuation and water supply.

**Location:**

10/10/19

Cornerpark, Peamount Road, Newcastle, Co. Dublin.

**Applicant Name:**

Dragonglen Ltd.

**Application Type:**

Permission

(FB/BH)

**Description of Site and Surroundings:**

**Site Area:** Stated as 1.2 Hectares.

**Site Description:**

The site of the proposed development is located off Peamount Road, to the north of Main Street, Newcastle. The site contains two derelict stables and is bound to the south by residential properties along Peamount Road and a burgage plot hedgerow and plots to the south, and to the north by a car sales garage. The site is situated within the Newcastle Local Area Plan area.

**Site Visit:** 09/03/2019

**Proposal:**

The proposed development will consist of:

- The demolition of existing stables/sheds;
- The construction of 28 dwellings comprised of:

# Comhairle Chontae Atha Cliath Theas

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

- 8 3-bedroom 2 storey semi-detached houses (type A);
- 7 3-bedroom 2 storey terraced houses (type B);
- 6 3-bedroom 2 storey terraced houses (type C);
- 3 3-bedroom 2 storey terraced houses (type D);
- 4 3-bedroom 2 storey semi-detached houses (type E).
- All associated site development works, car parking, landscaping, open spaces, public lighting, connections to foul and surface water drainage/attenuation and water supply.

### **Environmental Impact Assessment:**

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

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

An Appropriate Assessment Screening Report prepared by Brian Keeley was submitted with the application. This will be discussed further under the 'assessment' section of this report.

### **Zoning:**

The subject site is subject to zoning objective 'RES-N' - '*To provide for new residential communities in accordance with approved area plans*'.

The site is subject to the *Newcastle Local Area Plan*.

Site borders:

'RES' lands to the south, the objective of which is '*To protect and/or improve residential amenity*'.

The site is situated to the north and borders *Newcastle Architectural Conservation Area*.

### **Consultations:**

*Environmental Services Department – Water & Drainage Design*: Additional information requested.

*Housing Strategy Unit*: No objection, subject to conditions.

*Housing Provision and Financial Management*: No report received at time of writing.



## Comhairle Chontae Atha Cliath Theas

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

*Parks and Landscape Services Department / Public Realm:* Additional information requested.

*Public Lighting:* No report received at time of writing.

*Roads:* No objection, subject to conditions.

*Waste Management:* No report received at time of writing.

*Waste Enforcement:* No report received at time of writing.

*Irish Water:* Additional information requested.

*Heritage Officer:* Additional information requested.

*Architectural Conservation Officer:* No report received at time of writing.

*National Monuments Service:* No report received at time of writing.

*Department of Defence:* Observation noted.

*Department of Culture, Heritage and the Gaeltacht:* No report received at time of writing.

#### ***SEA Sensitivity Screening:***

Indicates overlap with:

- Areas of Archaeological Potential;
- Record of Monuments and Places DU020-003 – Newcastle Village.

Borders:

- Newcastle Village Architectural Conservation Area to the south.

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

A number of submissions were received from the adjoining landowners of the subject site. The main issues raised include:

- No objection to the principle of the proposed development, however a connection to the lands to the south and north should be provided.
- A foul and surface water connection should also be provided to adjoining lands.

A representation was also made from Mayor Mark Ward on behalf of local residents in Peamount who would like to see this development to be in line with the existing homes in the area.

The issues raised in the submissions and representation received have been taken into account in the assessment of the proposed development.

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#### Relevant Planning History:

##### *Subject site*

None recorded.

##### *Adjacent sites*

*SD15A/0193 and PL06S.245943*

Demolition of 3 dwellings and associated sheds/garages (4) totalling c.786 sq.m. Construction of a new residential development comprising 73 no. 2-storey, 3/4/5 bed, detached, semi-detached and terraced houses ranging in size from c.107sq.m to c.176sq.m; provision of a new vehicular entrance to service 71 of the houses with 2 houses having direct frontage/access to Main Street; additional access to the Castlelyon residential development to the east; all associated site development, landscaping, open spaces, boundary treatment works, car parking, bin storage and infrastructural services provision.

Decision: SDCC Grant permission, subject to conditions. Appeal Withdrawn.

#### Relevant Enforcement History:

None recorded.

#### Pre-Planning Consultation:

*SHDISPP019/18*

Pre-planning meeting was facilitated on 03/12/2018 by the Area Planner for a larger development of 117 residential dwellings, consisting of 64 semi-detached and terraced houses, 10 duplex/apartment units & 43 apartments, on a site area of circa 3ha, located east of Peamount Road, west of existing Castlelyon & Aylmer residential estates, north of the Main street, in Newcastle, County Dublin.

SDCC attendance: Senior Executive Planner, Area Planner, Roads and Water Services Departments were in attendance.

#### Applicant advised:

- Applicant advised that the Planning Authority will use the provisions of the **Newcastle Local Area Plan** when assessing the application. The site is located within the Burgage North and Peamount Neighbourhoods.
- Applicant advised that the site is located within the Newcastle Architectural Conservation Area.
- Adherence to National Standards & specifically the Urban Design Manual: A Best Practice Guide 2009, Sustainable Residential Development in Urban Areas, 2009 (or any

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superseding document), Design Manual for Urban Roads and Streets (2013) and the 2018 Apartment Guidelines.

- Adherence with 2016-2022 CDP in terms of certain material required to facilitate the comprehensive assessment of any subsequent planning applications such as:
  - Comprehensive Urban Design Statement
  - Architectural Design Rationale with reference to the Newcastle Architectural Conservation Area
  - Climate Change & Adaptation Statement
  - SUDS
  - Public Realm
  - Car parking standards
  - Bike parking standards
  - Part V agreement
  - Clear delineation of areas to be Taken-in-Charge.
  - Creche
  - Landscape Masterplan
  - Hedgerow Plan
  - Bat survey
- Additional information which may be required includes:
  - AA Screening Report
  - Schedule of units, sizes, amount of storage space, no. of rooms

### *Density:*

- Applicant proposed 39 units per hectare. Strongly advised to revise the densities proposed to be in line with the Newcastle Local Area Plan.

### *Urban Design:*

- Strongly advised that the retention of ALL hedgerows on the site should form the basis for an urban assessment of the site and subsequently any proposal.
- The layout in the Local Area Plan should be consulted as a guide.
- Proposal for apartments cautioned, having regard to the village setting and the Local Area Plan.
- Proposed heights for apartment blocks – up to four storeys – strong cautioned.
- Proposed streets should be designed to the standards set out in the Design Manual for Urban Roads and Street and the Urban Design Manual. Engineering solutions such as speed ramps will be strongly discouraged, and the principles of self-regulating streets should be considered as part of any design proposal for this site.
- Excessive street widths proposed strongly discouraged – due to non-compliance with the Design Manual for Urban Roads and Streets.
- Character areas encouraged through architectural variety.
- Home zones encouraged.

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- Play areas should be natural and not be equipment focused. Advised to consult the Parks Department for further details.
- Parking spaces will require additional planting between at least every four spaces.

#### ***Green Infrastructure:***

- Strongly advised that green infrastructure should form part of any proposed development.

#### ***Heritage, Biodiversity and Archaeology***

- A Bat Survey will be required. Advised that survey work is seasonal. Advised to consult with Heritage Officer.
- Ecological Survey will be required.
- Hedgerow Survey and Protection Plan Required. Arborist Report and Tree Plans required. Recommended to consult with Parks Department for requirements.
- Site situated within Zone of Archaeological Potential and within Recorded Monument – Newcastle Village. Archaeological Survey will be required.

#### ***Flood Risk and Drainage***

- Flood Risk Survey required.
- Green Infrastructure encouraged.

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

##### ***UC Policy 3 – Village Centres***

*It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.*

##### ***UC3 Objective 1***

*To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs).*

##### ***HCL Policy 1 – Overarching***

##### ***HCL Policy 4 Architectural Conservation Areas***

*HCL4 Objective 2: To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.*

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### *11.5.3 – Architectural Conservation Areas*

#### *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.

### *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.

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### *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 HCL2 Archaeological Heritage*

### *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, 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*

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### *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*

#### *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*

#### *11.2.0 – Place Making and Urban Design*

### *Section 11.2.0 Place Making and Urban Design*

#### *Section 11.2.1 Design Statements*

#### *Section 11.2.3 Town and Village Centres*

#### *Section 11.2.7 Building Height*

### *Section 11.3.1 Residential*

#### *(i) Mix of Dwelling Types*

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- (ii) Residential Density
- (iii) Public Open Space/Children's Play
- (iv) Dwelling Standards
- (v) Privacy
- (vi) Dual Aspect

*Table 11.20: Minimum Space Standards for Houses*

*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*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

#### **Relevant Government Guidelines:**

*Project Ireland 2040 National Planning Framework*, Government of Ireland, (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 Residential Development in Urban Areas: Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government, (2008).

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



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

*Regional Planning Guidelines for the Greater Dublin Area 2010-2022*, Dublin Regional Authority & Mid-East Regional Authority, (2010).

*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)

*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)

#### Assessment:

The main issues for assessment relate to:

- Zoning
- Council policy & Residential Amenity
- Urban Design, Architectural Form and Visual Impact
- Impact on Architectural Conservation Area
- Internal Accommodation
- Private Open Space
- Access, Parking & Permeability
- Landscaping, Boundary Treatment & Public Open Space
- Density
- Part V Social & Affordable Housing
- Noise and Environmental Health
- Services & Drainage
- Waste Management
- Heritage & Biodiversity
- Screening for Appropriate Assessment

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#### **Zoning**

The subject site is subject to zoning objective 'RES-N' - *'To provide for new residential communities in accordance with approved area plans'*.

A residential development is 'permitted in principle' in accordance with the zoning matrix.

The subject site is also governed by the Newcastle Local Area Plan. Compliance with the Local Area Plan will be discussed under 'Council Policy & Residential Amenity' below.

Furthermore, the area is also situated adjacent to the Newcastle Architectural Conservation Area.

#### **Council Policy & Residential Amenity**

The proposed development is subject to Newcastle Local Area Plan and is situated within the 'village edge' of the Peamount neighbourhood.

Objective LUD8 of the Local Area Plan states, *'residential development within the settlement edge shall consist of low density detached and semi-detached residential housing (15-20 dwellings per hectare) on large garden plots. Such housing shall provide an appropriate and soft transition with the adjoining open countryside and shall be set amongst generously planted streets and open spaces that includes for semi-mature planting'*.

Objective PN9 of the Local Area Plan states, *'Development within the Settlement Edge of the Peamount Neighbourhood shall only provide for residential uses up to a maximum density of circa 20 dwellings per hectare'*.

Objective PN11 states *'Development of the Settlement Edge area of the Peamount Neighbourhood shall comprise detached and semi-detached houses in order to provide an appropriate transition with the rural hinterland and the ensure for the provision of low density housing as an alternative to rural housing'*.

The density of the proposed development is approximately 23 units per hectare (gross), based on the stated area of 1.2 hectares, and the proposed typologies include semi-detached and terraced dwellings. Three rows of terraces are proposed, which would not be in accordance with the objectives of the Local Area Plan in this location.

Objective GI21 requires that an Archaeological Assessment Report be submitted with all Planning Applications within the Zone of Archaeological Potential.

The application includes an Archaeological Impact Assessment Report. This will be discussed further below.

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Objective GI28 requires the submission of a Bat Survey as part of every planning application for development.

A Bat Survey has been submitted. This is will assessed further under 'Heritage & Biodiversity'.

Objective GI7 requires that historic burgage plot boundaries are protected and GI8 requires details demonstrating how these boundaries will be enhanced and reinstated, with a comprehensive hedgerow survey.

The application has not adequately demonstrated how the burgage hedgerows will be protected. Burgage hedgerows should be located within areas of public open space to maintain their integrity. The lack of a masterplan for the adjoining lands is not considered satisfactory in terms of complying with the objectives of the Local Area Plan relating to the protection of the burgage plots.

Objective PN5 states that development of the Peamount Neighbourhood shall *'include for a through Green Link Street with Peamount Road as part of an east-west through route that will connect the neighbourhoods on the northern side of Main Street and Aylmer Road with Peamount Road'*.

A future connection is indicated to the lands south of the proposed site, which would potentially connect to Main Street in accordance with the Local Area Plan. The design and detail of streets will be assessed further below.

Objective GI12 of the Local Area Plan seeks *'To promote the sustainable collection and on-site retention of surface water for delayed discharge to the local water system and for use as an on-site resource and as a means of creating a biodiversity network that will retain and develop existing flora and fauna'*.

Objective GI13 requires that a linked SUDS network be fully implemented and GI15 requires *'that existing natural swales, ditches and hedges shall be retained to form an integral part of the overall SUDS network'*.

The applicant has not demonstrated that they have complied with the objectives of the Local Area Plan relating to SUDS and Green Infrastructure. It should be noted that the retention of burgage hedgerow plots and the incorporation of SUDS have directly informed the development strategy of the Local Area Plan. It is not considered that the proposed layout has been led by a SUDS strategy. It is also considered, particularly, in light of the future development potential of adjoining plots, and in light of the pre-planning consultation for a wider area, that a SUDS strategy for the site should consider how it will link to adjoining sites.

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Overall, it is considered that the proposed development does **not accord** with the objectives of the Newcastle Local Area Plan by virtue of the proposed layout, future retention of hedgerows and green infrastructure.

The proposed development would involve the construction of 28 residential units, configured as three terrace blocks and six pairs of semi-detached units, two storeys in height. Parking is provided on-street, with no front gardens and limited defensive spaces situated between the public realm and the properties. The proposed terrace typology would not accord with the Local Area Plan, which stipulates that units shall be detached or semi-detached (Objective PN 11).

#### *Urban Design, Architectural Form and Visual Impact*

The urban design and layout of the proposed development is not considered to be acceptable and would not comply with best practice as set out in the *Urban Design Manual: A Best Practice Guide* (2009) and having regard to the provisions of the *Newcastle Local Area Plan* on a number of grounds:

- The development of this site needs to be cognisant of the future development of the 'RES-N' lands to the south and to the north, adhering to the objectives of the Newcastle Local Area Plan relating to the retention of burgage plots and hedgerows. A pre-planning consultation held for this site also included sites to the south. The Planning Authority express serious concerns that a piece-meal form of development may occur, which would seriously undermine the objectives of the Local Area Plan, and the historic significance of the burgage plot form in Newcastle. This would be contrary to best practice urban design principles. While indicative connections are indicated on the site layout, the applicant should demonstrate by way of an indicative masterplan layout, how a proposed development on this site would relate to adjoining lands and not hinder their development potential or negatively impact on the future residential amenity of residents. Furthermore, a masterplan layout should indicate, at a minimum, how the retention of burgage plots can be incorporated into the development.
- Plots 25-28 and plot 24 would undermine the protection of the historic burgage hedgerow to the south of the site. The retention of all burgage hedgerows is a priority and an objective of the Newcastle Local Area Plan. While it is acknowledged that this is a challenge, as stated during pre-planning consultation, any proposed layout will have to demonstrate the retention of this hedgerow. As such the hedgerow should be located within areas of public open space and not located within or bordering private gardens.
- Three terrace blocks are proposed. The Planning Authority express serious concerns relating to the design and layout of the terrace blocks in this location, having regard to the provisions of the Local Area Plan, but also having regard to the site context and location. In particular it is considered plots 5-11 (containing 7 houses) and plots 16-21 (containing 6 houses), have not responded to their unique site context and the provisions of the Local Area Plan.

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- The lack of front gardens and the lack of in-curtilage parking creates an urban form which is not in keeping with the context of this transitional area – which should address the rural interface and as such contravenes the objectives of the LAP.
- It is not considered that the design of the 'dual frontage' units is acceptable. Furthermore, plots 2 and 3 would contain approximately 45 m of a 2 m concrete wall. A design which addresses the corners is required in such cases.
- The location and configuration of parking at plot 5 is unacceptable.
- No details of bin storage is provided. This is considered to be an unacceptable omission, considering that the majority of units do not have direct access to a rear garden.
- The location of utility boxes has not been shown. The applicant should clarify the position of utility boxes (gas/electricity) and demonstrate what design measures have been taken to integrate these into the design of the structures. Details should be submitted by way of **additional information**.
- The Planning Authority is not satisfied that the proposed layout is compliant with the Design Manual for Urban Roads and Streets. The applicant should submit details demonstrating how they have complied with DMURS.
- The streets should contain street trees, in accordance with the Local Area Plan, in terms of visual amenity and in terms of providing ecological corridors for bat protection.
- A Design Statement and Planning Report has been submitted. However, these are lacking in information and have failed to illustrate the design rationale for the proposal and limited information is provided relating to the materials and finishes. Materials and finishes should reflect the existing historic building stock of Newcastle and be of a high quality.
- No photomontages have been submitted to enable a complete visual impact assessment to be undertaken.
- No site contiguous elevations or cross sections have been submitted which clearly illustrate site levels, boundary treatment and open spaces. Therefore, the Planning Authority is unable to conduct a full and thorough assessment of the impact of the proposed development on the surrounding area.
- House Type E contains 'optional patio doors'. All planning drawings should clearly indicate what is sought.
- Existing boundary treatment to the north, along the proposed entrance road to the site contains a palisade fence. This is unacceptable. A revised boundary treatment should be agreed with the adjoining landowner. It is noted that the site layout indicates that existing boundaries to the north are to be agreed. As part of this assessment, this should be addressed by the applicant by way of additional information. Palisade fencing is not considered acceptable.

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The Newcastle Local Area Plan sets out specific design measures for the development of these lands. Considering the above serious deficiencies, it is considered that the proposed development falls considerably short of the required standards. However, the Planning Authority support the principle of the proposed development and also acknowledge the importance of developing this site in allowing the objectives of the Local Area Plan to be implemented. Therefore, for this reason, it is considered that the applicant should be offered the opportunity to address these concerns by way of **additional information**.

#### *Impact on Architectural Conservation Area*

The site of the proposed development is located adjacent to the Architectural Conservation Area (ACA). Considering the proposed development would be located to the rear of Main Street and lies outside the ACA, it is considered that any impact on the ACA would be minimal to moderate. However, a number of concerns are noted. As noted, the Design Statement submitted is considerably lacking in information relating to materials and finishes and fails to provide a detailed site analysis or design rationale. Therefore, a full visual and architectural assessment cannot be conducted in the absence of this information. It is therefore considered appropriate that these issues be addressed by way of **additional information**.

#### *Internal Accommodation*

The guidance on internal accommodation within dwellings is detailed in *Quality Housing for Sustainable Communities: Best Practice Guidelines* (2007). The applicant has not submitted a Quality Housing Assessment Report with the application, indicating compliance with National and Development Plan Standards and overall sizes are not clearly indicated on each house type. It is not clear from the plans submitted the intended number of occupants (i.e. 4 person or 5 person dwellings) and therefore the Planning Authority cannot determine compliance with *Quality Housing for Sustainable Communities: Best Practice Guidelines* (2007). Additionally, compliance with storage requirements cannot be determined due to a lack of clarity, absence of dimensions and lack of a Quality Housing Assessment Report. The plans submitted state 'note attic storage'. However, no attic plans are submitted and no details of access. Due to a lack of information submitted and the requirement for clarity, it is considered that **additional information** be sought to address these concerns.

#### *Private Open Space*

Table 11.20 'Minimum Space Standards for Houses' contained within the County Development Plan sets out the quantum of private open space that should be provided. A three bedroom should have 60sq.m. The site layout plan poorly indicates the quantum of private open space for a number of dwellings. This is not indicated for a number of dwellings, including plots 25-28. Furthermore, where areas are indicated, it is not always clear which plot they relate to (plots 18 and 19; plots 19 and 20). This is unacceptable. The Planning Authority express concerns relating to the quantum of private open space provided for plots 25-28 and the close proximity to the existing hedgerow. Furthermore, serious concern is expressed relating to the configuration of

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private open space for plots 2 and 3, which front the public realm. Therefore, as a result of these issues, the Planning Authority is unable to make a full and comprehensive assessment. The applicant should clearly indicate the quantum of private open space by way of **additional information**, which should be clearly indicated on the site layout and also included in a Quality Housing Assessment.

#### *Access, Parking & Permeability*

The proposed development would involve access from Peamount Road, to the west of the site. A report was received from the Roads Department has noted no objections, subject to conditions. It is required that the site layout illustrate future connections to the lands to the south shown up to the boundary.

Notwithstanding the report received from the Roads Department, the Planning Authority has concerns in relation to the general layout and street hierarchy and the general design and layout of the parking.

- The proposed movement framework is not considered to be compliant with the Design Manual for Urban Roads and Streets (DMURS). The proposed new route is considered to be a local street in accordance with provisions of the Local Area Plan which proposes a 'green link', pursuant to Objective PN5. Therefore, it is considered that the carriageway should be 5 m, in accordance with DMURS and not 6 m.
- The cul-de-sac formed to the north of 'open space no. 2' is not considered appropriate.
- The proposed car parking bay at plot 5 is not considered to be acceptable, which creates an unacceptable public realm, which would hinder the movement of pedestrians.
- The level of detail provided demonstrating future connections to adjoining lands is not adequate.

Considering the above concerns, it is considered that these be addressed by way of **additional information**.

#### *Landscaping, Boundary Treatment and Public Open Space*

The Planning Authority express serious concerns relating to the lack of detail provided relating to boundary treatment, particularly at the proposed entrance to the development off Peamount Road. Existing palisade fencing along the northern section of the site which borders the existing car sales premises is not considered acceptable. The site layout submitted indicates that boundary treatment will be agreed with the adjoining lands owner. This lack of clarity is not considered to be acceptable and appropriate boundary treatment should be proposed as part of this planning application. It is considered that this be addressed by way of **additional information**.

Hedge planting between gardens is not considered suitable and should be replaced with a suitable timber fence.

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The location of the public open space to the east of the development is not considered appropriate, with limited overlooking and passive surveillance.

No cross sections have been provided through the site.

A report received from the Parks and Landscape Services Department has requested additional information relating to the following:

- A revised landscape plan;
- SUDS and Green Infrastructure compliant drainage scheme;
- Tree/hedgerow and Arborist Report;
- Details of taking in charge;
- Play equipment;
- Bat Survey;
- Ecological Report;
- Universal accessibility map.

It is considered reasonable and appropriate that a number of the issues addressed by the Parks and Landscape Services Department are addressed by way of **additional information**.

### *Density*

The density of the proposed development has been calculated at approximately 23 units per hectare (gross), which is based on the stated site area of 1.2 hectares. In accordance with Objective PN9 of the Newcastle Local Area Plan, a maximum density of 20 units per hectare should be provided in the 'settlement edge' or the Peamount neighbourhood, in order to create a transition zone between the rural hinterland.

### *Part V Social & Affordable Housing*

A report was received from the Housing Department which notes that in the event of a grant, the unit numbers, types, location and costings in respect of the Part V requirement should be agreed with the Housing Department subject to approval of the Department of Housing, Planning, Community and Local Government. It is considered appropriate to attach such a **condition** in the event of a grant.

### *Noise & Environmental Health*

The file was referred to the H.S.E. Environmental Health Officer but no report was forthcoming. In lieu of a report received, it is considered that in the event of a grant of permission, **conditions** relating to noise, air quality, refuse storage, lighting and pest control may be attached.

A report was received from the Department of Defence, with respect to the site's proximity to Casement Aerodrome. It is noted that the site may be subject to a high level of noise from aircraft operating in the vicinity of the aerodrome.



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### *Services and Drainage*

A report received from the Water Services Section has requested that additional information be submitted to enable a full and comprehensive assessment. The received report notes the following:

- The surface water layout does not comply with the Greater Dublin Regional Code of Practice for Drainage Works.
- Invert levels of the existing surface water drain are not in compliance with GSDS standards.
- The proposed attenuation system is too close to trees in public open space.
- No percolation tests were carried out at the location of the proposed drains.
- No drawing was submitted showing the water storage system for the proposed site.

A report received from the Parks and Landscape Services Department has noted that the proposed drainage scheme does not comply with the objectives of the County Development Plan. Furthermore, as previously noted, the proposed drainage scheme would not comply with the provisions of the Newcastle Local Area Plan, which requires that the existing green infrastructure network be used, in addition to natural drainage features, as part of the overall drainage plan for the site. The Planning Authority consider that a revised drainage scheme be devised which complies with the provisions of the Newcastle Local Area Plan, relating to green infrastructure and sustainable urban drainage and the provisions of the County Development Plan. A revised drainage layout should be agreed with both the Parks and Landscape Services Department and the Water Services Department. It is considered that this be addressed by way of **additional information**.

A report received from Irish Water has requested that additional information be submitted, relating to foul water. The following concerns are noted:

- The applicant is proposed to divert an existing 225mm foul water sewer without a written agreement from Irish Water to this diversion.
- Each property does not have a separate foul water connection to the proposed public foul sewer.
- The surface water attenuation tank is too close to the proposed foul sewer.
- No written agreement from Irish Water to allow the proposed development to connect to the 225mm foul sewer leading to the foul sewer pumping station.

It is considered reasonable that the concerns of Irish Water are addressed by way of **additional information**.

### *Waste Management*

No report was received from the Environment Department (Waste Management Section). The proposed development is in excess of the threshold of 'new residential development of 10 units or more' contained within Section 11.6.5 (iv) of the County Development Plan.

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The applicant has submitted a Construction and Demolition Waste Management Plan. It is considered appropriate - in lieu of a report from the Waste Management Section to address this issue by way of **condition**, in the event of a grant.

#### *Heritage & Biodiversity*

The Newcastle Local Area Plan sets out to retain and reinstate the historic field, townland and burgage plot boundaries and associated hedgerows and ditches that characterise Newcastle Village on the basis of their heritage value in terms of culture and biodiversity and including foraging routes for protected species such as bats.

In accordance with the provisions of the Newcastle Local Area Plan, all planning applications should be accompanied by an Archaeological Impact Assessment. The site is located within a Zone of Archaeological Potential and Recorded Monument, DU020-023. The file was referred to the Department of Culture, Heritage and the Gaeltacht but no report was forthcoming. An Archaeological Impact Assessment Report was prepared and submitted with the application. Mitigation measures relating to monitoring and reporting are recommended. Notwithstanding the absence of a report, it is considered, given the nature of the proposed development and significance of the area for archaeology that **additional information** be requested from the applicant, to include the carrying out of test trenches. Figure 4.2 of the Newcastle Local Area Plan illustrates burgage plots. A burgage plot line runs through the centre of the subject site. It is therefore considered reasonable that additional archaeological work is carried out to assess this and the potential for any archaeological findings. This is considered reasonable, having regard to similar requests for sites within the Zone of Archaeological Potential. It is also considered that the proposed landscaping strategy respond to this historic boundary line. It should be noted that the Planning Authority will be advised by the Department of Culture, Heritage and the Gaeltacht in relation to any potential findings of archaeological remains on this site.

A report was received from the County Heritage Officer. For clarity, the comments include:

*I note that a bat survey was conducted over one single night for dusk and dawn bat activity. The report is not clear, however, on whether or not a detailed survey of the stable buildings/outhouses was undertaken.*

*The proposed development site is located within the Newcastle village area where bat activity is known to be high and where a monitoring programme of other local bat roosts is underway.*

*I would be concerned therefore that it is not clear whether or not a detailed daytime survey of the outhouses was undertaken, particularly as the report includes a recommendation to undertake such a survey as part of the mitigation measures proposed for any development occurring (Section 4, Mitigation for flora and faunal impacts).*

*As all bats are protected under the Wildlife Act and the EU Habitats Directive, it would be appropriate to request further bat survey information from the applicant/developer prior to any decision on a grant being finalised.*

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*I therefore request that Additional Information be sought which requires the undertaking of a detailed daytime survey of the outhouses for their potential as bat roosts.*

It is considered appropriate that the concerns of the Heritage Officer are addressed by way of **additional information**.

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

The applicant submitted an Appropriate Assessment Screening Report with the application. Considering that additional information is required relating to drainage and considering that the Planning Authority does not consider that the proposal complies with policies pertaining to Green Infrastructure contained within the County Development Plan and the Newcastle Local Area Plan, it is considered that a Stage 2 Appropriate Assessment cannot be ruled out at this juncture. Additionally, considering the deficiencies relating to bat surveys and ecology, it is considered that an Appropriate Assessment Screening should be undertaken if **Additional Information** is sought and appropriately responded to.

#### **Conclusion:**

In its current design, layout and configuration the proposed development is unacceptable and would not accord with best practice urban design principles. It would seriously compromise the provisions of the Newcastle Local Area Plan relating to the retention of burgage plots and hedgerows, green infrastructure and sustainable urban drainage. Furthermore, the proposed development has not addressed the future potential development of adjoining plots, with reference to the challenges posed by the presence of burgage hedgerows.

While the Planning Authority accepts the principle of a residential development in this location, as outlined in the LAP, it is considered that the layout, design and detail of the proposal falls considerably short. As outlined in the assessment, the application is lacking in detail to enable a full and comprehensive assessment. Therefore, the Planning Authority considers that the applicant be invited to address all of the concerns of the Planning Authority by way of **additional information**. The applicant is advised that a revised site layout and design should address all of the concerns of the Planning Authority in accordance with the below.

The applicant is cautioned that the proposal is considered to be seriously deficient in information required for a residential development and, in its present state would contravene a number of objectives of the Newcastle Local Area Plan and the County Development Plan. Furthermore, it fails to introduce best practice Urban Design, which responds to the site constraints and context. As such the applicant is strongly advised to fully address all of the concerns of the Planning Authority, as outlined below.

It is recommended that **Additional Information** is sought to address the concerns of the Planning Authority.

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#### **Recommendation**

Request Additional Information.

#### **Additional Information Report**

Additional Information was requested on the 29<sup>th</sup> March 2019.

Additional Information was received on the 10<sup>th</sup> September 2019.

#### **Further Observations/Representations/Submissions:**

None received.

#### **Further Consultations:**

DOCHG – National Monuments Service: No objection.

DOCHG – Archaeological Heritage: No objection.

Heritage Officer: No objection subject to conditions

Irish Water: No objection subject to conditions

Parks: No objection subject to conditions

Roads: No objection subject to conditions

Surface Water: No objection subject to conditions

Water Services: No objections

Waste Management: No objections received

#### **Additional Information response:**

##### **1. Site Layout and Design**

(i) The applicant has submitted a revised site layout that would retain the majority of the hedgerow to the south of the site. The hedgerow would be contained within a strip of public open space accessible to residents. This is considered to be an improvement on the original proposal and is considered acceptable.

(ii) The applicant has submitted a revised layout showing an indicative layout of the lands to the south of the site with potential access from the application site. Although part of the existing hedgerow would have to be removed to create this access there is provision within the LAP and specifically Objective GI10 that allows limited sections of field boundaries to be carefully altered where there is a need for accessibility in terms of pedestrian and cyclist movement and the creation of successful streets. In this case the vast majority of the hedgerow would be retained and the small section that would be removed for future accessibility, if the neighbouring site is to be developed, is considered acceptable.

(iii) The applicant has reduced the number of units from 28 to 25. However, there would still be three blocks of terraced units consisting of a total of 12 units proposed in the eastern part of the site which was raised as a concern in the AI request. The terraced units previously proposed in the west of the site would now consist of three semi-detached blocks.

The Newcastle LAP defines the application site as the 'settlement edge' due to its location adjacent to areas of open countryside. It is an objective that these areas have low density

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housing, consisting of detached and semi-detached units with a density of 15-20 units per hectare. The reduction in unit numbers from 28 to 25 would result in a density of 21 units per hectare which is just above the required density for this site. However, the inclusion of terraced units does not comply with the aims of the LAP. Consideration has been given to the site specific circumstances which is somewhat constrained by its narrowness and the fact that the car sales premises cannot be utilised in the proposal making it difficult to fully achieve the aims of the indicative masterplan in the LAP. Therefore, due to the space constraints in the east of the site it is considered that the three blocks of terraces are considered acceptable in this case and would make good use of the space available whilst not jeopardising the future development potential of neighbouring sites from overlooking.

There are however concerns with the road layout that affect block 14-19. It is considered appropriate to require road 1 to cease prior to the front building line of houses 13 and 14, as it is unnecessary to provide a potential future access to lands to the north as they are not zoned. The block would also not have its own bin stores. Therefore, a condition moving the terrace in a westerly direction will be attached to the permission in the location of road 1 absorbing the rear garden spaces, privacy strip and footpath in place of road 1 at this location. A condition recommending that the side elevation of the eastern side of the block consists of windows to create a dual aspect unit with a more interesting elevation and natural surveillance is also recommended. A landscaped privacy strip can also be incorporated to the east of the terrace. It is noted that Unit 13 does not appear to have vehicular access although parking within the curtilage of the property is proposed. Vehicles would either have to cross over an area of soft landscaping or the drive of a neighbouring property to access their own drive. A condition requiring a revised layout showing how vehicles would access the drive of Unit 13 is therefore recommended. Although this is likely to result in the loss of a small amount of open space the amount left would still be of a sufficient quality and quantity.

(iv) Cross section drawings have been submitted and are considered acceptable.

(v) Site contours and levels have been included on drawing no.003AI and are considered acceptable.

(vi) The applicant has submitted a DMURS Statement of Consistency which has been assessed. The report outlines the rationale behind the two street types proposed which include a main arterial access road and secondary local streets. The width of the carriageway would be 6 metres which is between the standard carriageway width for arterial/link streets of 5.5-6.5metres as per the guidance in DMURS. This also aligns with the objectives of the LAP which seeks to create an east/west green link. The proposal is therefore considered to broadly comply with DMURS and is considered to be acceptable.

(vii) Due to the revised layout proposed which incorporates more areas of open space and potential for landscaping, the number of street trees has increased which is considered acceptable.

(viii) Two separate walled bin stores have been indicated on the site layout plan close to the three separate blocks of terraced units in the east of the site. However, one of the bin stores would be located in close proximity to the proposed residential units and could potentially impede views

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out of habitable windows which is considered poor. Therefore, a revised location for the bin stores is considered necessary in this case and will be secured via condition. A condition is also recommended to secure details of a third bin store to be sited east of block 14-19 to serve the residents of this block. Further details of the proposed screening and materials are also deemed to be necessary for all bin storage units to ensure that they are visually acceptable and have sufficient space to meet the demand for bins for each property.

The semi-detached units could accommodate storage in the rear of the properties and easily access the front which is considered acceptable.

(ix) The applicant has submitted an engineering services report and drawings which has been assessed by the Water Services Section, they have no objections subject to conditions.

(x) Defensible space has been proposed in the form of landscaped areas to the front and sides of the units. Further details of these proposals are recommended to be secured in an overall landscaping condition.

Due to the change in the layout proposed there would now be a block of three terraced properties located in the south-east corner of the site. There is an existing wayleave on the south of the site leading to a pumping station. Unit 25 is proposed to be dual aspect at the rear/side, which would overlook the area of open space leading to the pumping station. Whilst the inclusion of the dual aspect window in the side elevation is welcomed due to outlook and also from a design perspective, there is a concern that members of the public could walk up to the window and view the inside of the property which would not be acceptable from a privacy point of view. It is also noted that the dual aspect window is included on the site layout but not included on the landscape plan. Therefore, it is recommended that a 1.5 metre privacy strip by means of a landscaped area is provided in front of the window to protect residential amenity.

(xi) The applicant has proposed utility boxes within 'gossip walls' to the front of each property which is considered acceptable in principle. Further details of the heights and materials proposed for these walls is recommended as they are just indicatively shown on the plans rather than on elevations as well.

(xii) The applicant has submitted a revised layout showing the proposed private open space for each residential unit. All the units would exceed the minimum private space requirements. In terms of the actual quality of these spaces each unit would be well served in terms of the depth of the garden space proposed to the rear. Units 1, 2 and 3 would be slightly tight to the rear, however this would be offset by the generous amount of space to the side of each property. The quality and quantity are therefore considered to be acceptable.

(xiii) The applicant has proposed four areas of public open space within the site: two areas in the centre of the site, one long narrow strip to the south and a triangular area in the east. The total amount of space proposed is 1580sqm which equates to 15.3% of the total site. This exceeds the minimum amount of 14% as set out in the Newcastle LAP and CDP. In terms of the actual quality of space, it is considered that the different open space areas, in terms of their locations, size and shape, as well as the inclusion of play space in the centre of the site, would offer a good variety of useable spaces that could be utilised by future residents. The proposed open space

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would also be situated in locations that are well overlooked and is therefore considered to be acceptable. Further details of the play space are recommended to be secured by condition. (xiv) A Universal Accessibility Map has been submitted by the applicant that demonstrates that the development would be inclusive to people of all abilities.

#### **2. Bat Survey**

The applicant has submitted an updated Biodiversity and Ecological Report containing a revised bat assessment which has acknowledged the presence of bats in the existing derelict buildings on site. Due to a typo on the conclusion of the report another updated report was issued. This report has been reviewed by the Council's Heritage Officer and subject to conditions in line with the mitigation measures proposed in the report regarding the discovery of bats during construction, has been found to be acceptable.

#### **3. Archaeology**

The applicant has submitted an updated Archaeological Impact Assessment Report. The report concludes that it is not considered likely that the development would cause any direct or indirect impacts to any identified features of archaeological interest. The report has been assessed by the Department of Culture, Heritage and the Gaeltacht's Archaeology department who have found that based on the results of the test excavations and the contents of the report that there are no further archaeological requirements necessary. This is considered acceptable.

#### **4. Urban/Architectural Design**

The applicant has submitted a revised Urban/Architectural Design Statement. This document has been reviewed and consists of a detailed site analysis, a concept plan, design rationale, material palette, visual impact and notes on compliance with the Newcastle LAP. This is considered to be acceptable.

#### **5. Quality Housing Assessment**

The applicant has submitted a Quality Housing Assessment which demonstrates compliance with the standards outlined in Quality Housing for Sustainable Communities: Best Practice Guidelines (2007) and the South Dublin County Council Development Plan, for internal rooms, storage and private open space. This is acceptable.

#### **6. Ecological Assessment /Screening Report**

The applicant has submitted a revised AA Screening report. The report has concluded that the development as proposed is not likely to cause significant negative effects to the integrity of the Natura 2000 sites within the zone of influence. The report has also found that there will be no measurable negative impacts upon Annex II species. The report concludes that no evidence of otters or badgers was found to be present in the site.

#### **7. Surface Water**

The applicant has submitted an Engineering Services Report and revised surface water layout; percolation test results, details of a surface water storage system and cross-sectional drawings. The additional details have been assessed by the Council's Water Service department who have no objections subject to conditions regarding the proposed attenuation tank, the surface water drain, an agreement on the neighbouring surface water drain and further details of the soak

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trenches. This request is considered to be reasonable and a condition requiring the submission of these details is recommended.

#### **8. Roads Issues**

The applicant has submitted a revised site layout showing roads that would provide future connectivity to the adjoining site to the south which are laid up to the boundary. The road proposed to the north of the site would form a cul de sac in its current form, it is not deemed necessary as the adjoining lands to the north are not zoned. A condition shall be attached for road 1 to cease prior to the front building line of houses 13 and 14 as referenced earlier in this report. The Roads Section have recommended no objection. This is considered to be acceptable in this case.

#### **9. Boundary Treatment**

The applicant has submitted a landscape masterplan which shows details of the proposed boundary treatments. The applicant has proposed a concrete block wall with railings over it. Whilst the principle of this form of boundary treatment is considered acceptable, the railings with a height of over 1 metre sitting on top of a 0.775 metre wall, would appear out of place in this location. A boundary with a height and design similar to the boundary in front of the bungalow properties located across the road to the west of the site would be more suitable in this location. It would also be beneficial to have a pedestrian access to Unit 1 from Peamount Road to add to the streetscape. A condition requiring further details of the front boundary treatment due to the site's prominence on the Peamount Road as well as fronting onto Road 1, is considered reasonable here.

The boundary proposed for Unit 3 would appear quite prominent at a height of 2 metres and would prevent overlooking and the natural surveillance of the open space area to the east which would be beneficial. Therefore, a condition requiring the boundary to decrease in height by stepping down from 2 metres to 1.2 metres is recommended after the rear building line and then turning 90 degrees to the west.

The other boundary treatments within the site between and to the rear of the individual plots is considered acceptable.

#### **10. Irish Water**

Irish Water have assessed the AI and have no objections subject to conditions concerning the entering into of a water connection and wastewater agreement between Irish Water and the applicant. Conditions to this effect are therefore recommended.

#### **11. Taking in Charge**

The applicant has submitted a 'Taking in Charge' drawing showing all areas to be taken in charge. However, the Council's Parks Department have requested a condition requiring the applicant to also submit a written statement in addition to the map that clearly demonstrates what is proposed for taking in charge. A condition to this effect is therefore recommended in the event that permission is granted.

#### **12. Trees**

The applicant has submitted a revised Arboricultural Impact Assessment Report which has been assessed by the Council's Parks Department and found to be acceptable in principle. However in



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In addition to the most recent report, the Council's Parks Department have recommended that a tree survey should be conducted post three years completion of site works to ensure the protection of trees/hedgerow on and adjacent to the site and also to ensure that any damage caused during potential construction works is addressed. This is considered to be acceptable and reasonable in this case due to the objectives of the Newcastle LAP in terms of protecting the burgage plots. The Parks Department have also recommended that the applicant submit a Tree and Hedgerow Bond to ensure the protection of trees and hedgerows in and adjacent to the site. Again, this is considered to be reasonable for the reasons outlined above.

### 13. Landscape Design Proposals and Rationale

The applicant has prepared a revised landscape masterplan, design rationale and maintenance document which has been assessed by the Council's Parks Department. Although the principles outlined in the revised document are considered acceptable further details would be required including details of tree planting into the hard landscape, tree girths, the planting of native species, cross sections of proposed trees and levels, pollinator planting and wildflower meadows where possible. A condition to this effect is therefore recommended.

### Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

### Appropriate Assessment

Having regard to the AA screening report submitted by the applicant in response to the Additional Information request, the nature and scale of the proposal and the distance from Natura 2000 sites, the Planning Authority considers that a Stage 2 Appropriate Assessment is not required in this instance.

### Other Considerations

#### *Development Contributions*

The proposed development comprises the following:

<i>Dwelling Type</i>	<i>Quantity</i>	<i>Area (sq.m)</i>	<i>Total</i>
E1 3 Bed detached bungalow	1	114	114
F 2 Bed semi-detached bungalow	2	81	162
A 3 Bed semi-detached	10	110	1100
C 3 Bed terrace	6	110	660

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D1 3 Bed terrace	3	111	333
D 3 Bed terrace	3	110	330
<b>Total</b>	<b>25</b>		<b>2699</b>

Development Contributions Assessment Overall Quantum								
Residential m <sup>2</sup>	Residential (no. of houses)	Residential (no. of apartment)	Commercial m <sup>2</sup>	Retail m <sup>2</sup>	Open/ Hard Storage m <sup>2</sup>	Surface Parking m <sup>2</sup> (surplus to Dev Plan standard)	Non surface resid. Parking m <sup>2</sup> (surplus to Dev Plan standard)	Non Surfac e non resid. Parkin g m <sup>2</sup>
2699	25							

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – Houses	2699
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	1.2

#### Conclusion

Having regard to the provisions of the South Dublin County Development Plan, the established character of the area and the nature and the scale of the proposed development, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would provide an acceptable standard of residential amenity for future residents, be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would therefore be in accordance with the proper planning and sustainable development of the area. (BH)

#### Recommendation

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

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### FIRST SCHEDULE

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

### SECOND SCHEDULE

#### Conditions and Reasons

1. Development to be in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 10th September 2019, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Revised Plans

No development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority for written agreement:

(i) Revised plans that incorporate the following amendments for written agreement:

(a) Road 1 shall not extend to the northern site boundary, it shall cease prior to the front building line of units 13 and 14.

(b) The terrace of units 14 to 19 shall be relocated in a westerly direction with footpath, privacy strip and private amenity space for houses 13 and 14 absorbed into the space and a landscaped privacy strip provided to the east of the terrace at house 19.

(c) A suitable location on the eastern side of the terrace of House Type C for bin storage for the residents of the block shall be indicated on revised plans and shall include details of height, depth, materials and screening and information demonstrating that the refuse storage facility has adequate internal space to cater for the size and number of bins allocated to each household within the terrace.

(d) The side elevation - B on the eastern side of the terrace of House Type C shall incorporate the same window features at both ground and first floor level as that of side elevation - A.

(e) Details of suitable vehicular access to unit 13

(f) Further details of the proposed gossip walls including depths, heights and materials for all properties where they are proposed

The applicant, owner or developer may consult with the Planning Authority in advance of lodging the required revised plans.

REASON: To ensure that adequate space is provided for defensible space, bin storage and

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residential amenity.

#### 3. Bin Storage.

Prior to the commencement of development further details of the proposed bin storage areas shall be submitted to and approved by the Planning Authority. The submitted details shall include the following:

(a) A revised location for the bin stores that are currently located in front of blocks 20-22 House Type D1. The revised location should take account of the siting of habitable room windows and not impede views.

(b) Details of the measures proposed to screen the bin stores including materials, finishes and the dimensions of the storage facilities.

(c) Details demonstrating that the refuse storage facility has adequate internal space to cater for the size and number of bins allocated to each household within each relevant block.

REASON: To ensure that adequate space is provided for defensible space, bin storage and residential amenity.

#### 4. Surface Water Drainage.

The disposal of surface water, shall comply with the technical requirements of the Council's Water Services Section. In this regard, the applicant, owner or developer shall ensure:

(a) Prior to commencement of development the applicant shall submit a drawing showing that the proposed geocellular attenuation tank is replaced with an arch type attenuation system and/or detention basin. The revised attenuation proposal shall be agreed with the Planning Authority prior to commencement of development. The volume of attenuation provided (370m<sup>3</sup> as per drawing no. 18\_114\_00\_4103) shall be retained.

(b) The proposed 375mm surface water drain diversion shall not connect into the proposed attenuation tank as shown on drawing no. 18\_114\_00\_4100. Prior to commencement of development the applicant shall submit a revised drawing showing that the 375mm surface water drain diversion is separated from the surface water drainage network of the proposed development.

(c) Prior to commencement of development the applicant shall submit a letter from the owner of the existing privately owned 300mm surface water drain running through the subject site stating that the owner of said drain is in agreement with the revised drain diversion layout. The letter must also state that the owner of said private drain is in agreement that the applicant may connect into the privately owned surface water drain at existing manhole EX.SW 7 as proposed on submitted drawing no. 18\_114\_00\_4103.

(d) Prior to commencement of development the applicant shall submit a drawing showing that the layout of the proposed soak trenches meets each of the following requirements:

(i) Soak trenches must be at least 5m from any building, public sewer, road boundary or structure.

(ii) Soak trenches must generally, not within 3m of the boundary of the adjoining

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property.

(iii) Soak trenches must not be in such a position that the ground below foundations is likely to be adversely affected.

(iv) Soak trenches must be at least 10m from any sewage treatment percolation area and from any watercourse / floodplain.

(v) Soak trenches must include an overflow connection to a public surface water sewer.  
REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

### 5. Street Lighting

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall have lodged with the Planning Authority for written agreement:

A Public Lighting Scheme for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to BS5489: European Lighting Standard EN13201 2013 or the latest NSAI (National Standards Authority of Ireland) versions approved, and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: Revision 2 dated 14/10/2016.

Completed Lighting Design and Electrical designs to serve the entire development including details of the overall height of all proposed equipment shall be lodged with the Public Lighting Scheme. The public lighting scheme shall be contained within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company. Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.

The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowed away from residential properties. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Parks section in this regard.

In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development.

The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the required plan for agreement.

REASON: In the interests of public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.

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6. Privacy Measures.

Prior to the commencement of development further details of privacy measures to include a 1.5 metre privacy strip consisting of landscaping for the ground floor windows of the southern elevation of Unit 25 in House Type D shall be submitted to and approved by the Planning Authority. The approved details shall be implemented in full and maintained as such for the lifetime of the development.

REASON: In the interest of residential amenity.

7. Tree Bond.

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €20,000 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period. *Par.*

The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: to ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

8. Three Year Post Completion Tree Survey

Prior to the commencement of development, the applicant shall submit written agreement that a tree survey will be conducted post 3 years completion of site works. A suitable tree survey shall be submitted and agreed with SDCC Public Realm Section before any bond is released by SDCC. This shall be agreed with the Public Realm Section post 3 years completion. This is to ensure the protection of trees/hedgerow on and immediately adjacent to the site to make good any damage caused during the construction/post-construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, with the applicant, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of the tree immediately adjoining the site, or

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the appropriate and reasonable replacement of the trees/hedgerows that dies, removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

The survey shall comprise of a detailed Tree Survey, Tree Survey Schedule, and Tree Constraints Plan, 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 be submitted to SDCC.

REASON: to ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

### 9. Landscape Design Proposals

Prior to the commencement of the development the applicant shall agree a Landscape Masterplan together with comprehensive and detailed landscape proposals, all prepared by a qualified Landscape Architect (or qualified Landscape Designer), for the written approval of South Dublin County Council Public Realm Section. Such proposals shall include the following:

- It is noted that tree planting in soft details have been submitted. However, no details have been submitted regarding tree planting into the hard landscape. The applicant shall provide suitable tree pits which incorporate SuDS features into the tree pit near hard surfaces.
- The applicant has proposed trees that are of insufficient size. The applicant shall provide large 20-25cm girth trees on the main open spaces/green areas and 18-20cm girth trees for all street trees as part of the proposed development.
- The applicant has proposed various non-native species (tree planting). The applicant shall omit some non-native species and provide additional native species to encourage green corridors throughout the development.
- Any proposed trees in hard surfaces should have a suitable load bearing tree pit that incorporates SuDS features into the tree pit. SuDS features will reduce excess water going into the drainage outlets. The applicant shall submit detailed cross sections for trees in the hard and soft landscape.
- Cross sections of the proposed development shall be submitted to SDCC, the cross sections should outline the proposed levels.
- Appropriate cross sections drawings throughout the development shall be submitted on any proposed levels changes or existing level changes shall be outlined.
- Further details of pollinator friendly planting throughout the site shall be submitted. Details of this can be found on Biodiversity Irelands, All Ireland Pollinator website.
- Any incidental space that is not in use shall be transformed into a wildflower meadow. The proposed wildflower meadows shall be pollinator friendly.
- The landscape plan doesn't detail where lighting columns will be located, all lighting columns shall be located a minimum of 5m away from any tree.

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- No landscape mounding shall be incorporated into the landscape plan unless agreed with SDCC Public Realm Section.
- The proposed meadow areas shown on Drawing No. 00 Landscape Details shall be transformed into wildflower areas to increase local biodiversity green corridors. The applicant shall test the soil nutrition's in the existing grass area to ensure selected seed for the wildflower area will be adequate for the existing soil nutrition's and shall be in line with the national pollinator plan. This shall be submitted and agreed with SDCC Public Realm Section

REASON: In the interest of the protection of trees and landscape features and the proper planning and sustainable development of the area.

### 10. Play Areas.

Prior to the commencement of development further details of the proposed play provision shall be submitted to the Planning Authority for approval. Specifications and images are required for each proposed item of play equipment. Details of the materials used, age range, accessibility and whether the piece is suitable for single or group use are required. The proposed play items included in the overall landscape masterplan are of limited play value with limited natural play. All play equipment should be of predominantly natural materials with unstructured play included in the proposed design including the inclusion of universally accessible equipment. The applicant should consider the use of engineered woodchip as playground surfacing material. It should be inclusive for all age groups from 0-13 years.

The proposed playground should provide for all abilities. The applicant should include at least one item of equipment that is accessible to wheelchair users. Examples of such items include:

- o Wheelchair roundabout
- o Basket swing
- o Wheelchair accessible trampoline

The applicant shall submit details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing.

The applicant should employ the services of a suitably qualified playground designer/contractor. The applicant shall submit and agree in writing with SDCC Public Realm Section a revised play area as part of the landscape proposals.

REASON: in the interest of ensuring safe, quality play provision and the proper, sustainable development in compliance with best practice guidance.

### 11. Contamination

Should any unexpected contamination be encountered in soils or groundwater with visual or olfactory signs of contamination, works in that area should cease immediately.

Examples of such materials include; buried barrels or containers, soil or water with an unusual colour or odour, builders rubble containing asbestos, or soil with a distinctive



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diesel or oil based component. A risk assessment should then be completed by a suitably qualified consultant to assess the risks to human health and the environment. Should unacceptable risks be identified then appropriate remedial works must be conducted and agreement sought from the relevant regulatory bodies.

REASON: In the interest of human health.

12. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

13. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

14. Street Naming and Dwelling Numbering.

Prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site the applicant, owner or developer shall lodge for the written agreement of the Planning Authority:

- (i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme, and
- (ii) This has been acknowledged in writing and confirmed in writing as acceptable by the Planning Authority.

Following receipt of written acknowledgement that the proposed scheme is acceptable, the agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Council requirements.

The development name should:

1. Avoid any duplication within the county of existing names, and
2. Reflect the local and historical context of the approved development, and
3. Comply with;

(a) Development Plan policy, and

(b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and

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(c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and

(d) Preferably make exclusive use of the Irish language.

The applicant, developer, or owner is advised to consult with Naming and Numbering Section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

#### 15. Taking in Charge.

The applicant, developer or owner shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, surface water drains, attenuation infrastructure, manholes etc., forming part of the approved development including where applicable any wayleaves in favour of SDCC or a management company that will be required.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with South Dublin County Council's Development Plan.

#### 16. Council Housing Strategy.

That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

#### 17. Construction Waste Management Plan.

All construction waste arising from the development of the site as approved shall be managed in accordance with all relevant statutory provisions and an agreed site specific Construction Waste Management Plan. All such waste shall be kept to a minimum, segregated where appropriate, and disposed/recovered at a waste facility authorised under the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, to accept the categories of waste.

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site the applicant, owner or developer or any other

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person with an interest in the land to which the development as approved relates shall lodge with the Planning Authority for written agreement:

A site specific Project Construction Waste and Demolition Management Plan that accords with the requirements both of the Council's Waste Management Section and the Council's Waste Enforcement and Licensing Section.

All construction and demolition waste shall be managed in accordance with this plan which shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in 2006 and the provision of the Waste Management Plan for the Dublin Region. The plan shall include details to the satisfaction of the Council's Waste Management Section and the Council's Waste Enforcement and Licensing Section for all waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Eastern-Midland Region.

A record of daily checks that the works are being undertaken in accordance with the site specific Construction Waste Management Plan shall be kept for inspection by the planning authority.

The plan should also be informed by any Construction Traffic Management Plan required to be prepared and agreed that addresses intended construction practice for the development, including hours of working, construction traffic access route and noise management measures and details of measures to protect watercourses on or adjoining the site from the spillage or deposit of clay, rubble, waste or other debris.

In addition, copies of waste disposal/recovery records, including waste collector dockets/invoices and weighbridge dockets, shall be maintained on site during construction activity and made available, at all reasonable times, for inspection by Authorised Persons as appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the development works, in accordance with the European Communities (Shipment of Hazardous Waste Exclusively within Ireland) Regulations 2011. Waste operations shall only be carried out at such time as authorisation pursuant to the Waste Management Act 1996, as amended, has been obtained.

Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

**REASON:** In the interests of public safety, compliance with Development Plan Policy and sustainable waste management.

#### 18. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This

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shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

#### 19. Construction Noise and Hours.

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

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

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

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

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

#### 20. Boundary Treatment

Prior to the commencement of development further details of the proposed boundary treatment in the form of revised plans shall be submitted to and approved by the planning

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authority. The details shall include the following:

(a) Details of the front and side boundary treatment to Unit 1 to match the bungalow properties on the opposite side of Peamount Road to the west of the application site. The boundary shall include low walls with railings on top at a total height of no more than 1.2 metres.

(b) A revised boundary for the boundary proposed to the east of Unit 3. The revised boundary shall include a 2 metre wall that would then step down to a height of 1.2 metres after the rear building line and then follow around to the front at a 90 degree angle also at a height of 1.2 metres.

REASON: in the interest of visual and residential amenity.

#### 21. Bats/Flora & Fauna

The following mitigation measures concerning bats and flora/fauna shall be implemented at all times throughout any works on site including site clearance, demolition and construction:

1. All scrub clearance/essential tree felling shall be undertaken outside of the bird nesting season.

2. All mature trees shall be evaluated for the potential for roosting bats. Trees that are considered by a qualified bat specialist to have roost potential shall be assessed for the presence of bats and if bats are present a derogation shall be sought from NPWS before the tree is re-located. If there are any signs of bats prior to demolition of the buildings, there will be a night-time bat assessment. If demolition occurs out of season (November to March) supervision of roof removal will be carried out by a bat specialist. If bats are noted, demolition will cease until a derogation is secured from NPWS. The Conservation Ranger shall be contacted immediately if bats are noted.

3. Bats must be excluded from the stable buildings by a bat specialist under licence from the NPWS. All measures conditioned within the licence from the NPWS shall be implemented under the appointed scientific agent who shall be a bat specialist. Exclusion procedures and mitigation required are indicated below:

(a) Provision of Bat boxes along the perimeter to create roost sites for bats. These shall all open out to the north away from development and into any areas of surviving vegetation. Boxes shall be over 2.5 metres above ground and shall be away from direct illumination. 9 x 2F Schwegler bat boxes or their equivalent are proposed. At least two bat boxes shall be in place to provide roost opportunities for bats in advance of the development completion and to create a roost alternative to compensate for the stable removal. Should bats be encountered during tree felling and tree translocation, additional bat boxes shall be necessary as mitigation.

(b) All buildings shall be assessed by a bat detector assessment to determine if bats are present immediately prior to demolition. If bats are absent the building shall be demolished in the presence of the bat specialist. If bats are present, measures to exclude bats shall be undertaken including the capture and retention of any resident bats if there is no other means of ensuring that bats would re-enter the buildings.

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If there are any signs of bats prior to demolition of the buildings, there will be a night-time bat assessment. If demolition occurs out of season (November to March) supervision of roof removal and wall demolition shall be carried out by a bat specialist. If bats are noted, demolition shall cease until the bat has been caught and kept safe until demolition is complete. The Conservation Ranger shall be contacted immediately if bats are noted. Once the buildings are demolished the bat shall be placed into a bat box close to or within the site and allowed to leave in its own time.

4. Bat boxes shall be checked after a calendar year for evidence of usage. If bat boxes have not been used by bats, it may be necessary to re-position the bat boxes

5. Bird boxes shall be erected in trees to provide alternative nest sites for birds to replace scrub removal. Suggested measures to allow bird nesting are Schwegler 2M nest boxes (4) and Vivara Pro Seville 32mm WoodStone Nest Box Nest boxes (4).

6. Lighting shall be controlled to avoid the illumination of retained vegetation and areas where bat and bird boxes are installed.

7. Flower and plant mixes shall encourage insect diversity and enhanced pollinator success. The following are given as suggested species for insect abundance and diversity: hawthorn, blackthorn, (useful to limit access to sensitive areas) elder, gorse, bramble, in addition to other species such as dog rose with an encouragement of species such as Clematis and other species attractive to moths (e.g. night scented stock, Hebe (beneficial to daytime and some night insects), Lavender, jasmine, rosemary, violets, thyme, blue bells, wisteria, cone flowers and sunflowers (beneficial to a wide variety of insects).

REASON: In order to mitigate the effects of the proposed development on bats.

#### 22. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

#### 23. The developer shall pay to the planning authority a financial contribution of €244,043.58 <sup>√m</sup> (two hundred and forty four thousand and forty three euros and fifty eight cents), in respect of public infrastructure and facilities benefiting development within the area of the planning authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2016 - 2020, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the planning authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2016 - 2020.

REASON: The provision of such facilities will facilitate the proposed development. It is

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considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

#### NOTE RE: CONDITION

Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

24. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:
- (A) Lodgement of a cash deposit of €158,360.00 (one hundred and fifty eight thousand three hundred and sixty euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or Am
- (B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €189,010.00 (one hundred and eighty nine thousand and ten euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development. Am

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

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

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**NOTE:** A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

**NOTE:** The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

**NOTE:** Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

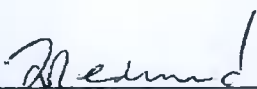


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**REG. REF. SD19A/0040**

**LOCATION: Cornerpark, Peamount Road, Newcastle, Co. Dublin.**



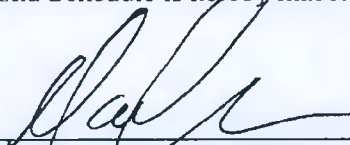
**Fiona Redmond,  
Senior Executive Planner**



**Hazel Craigie,  
Senior Planner**

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

**Date:** 10/10/2019



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

