

# Comhairle Chontae Atha Cliath Theas

PR/0571/22

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

**Reg. Reference:** SD22A/0076      **Application Date:** 11-Mar-2022  
**Submission Type:** New Application      **Registration Date:** 11-Mar-2022  
**Correspondence Name and Address:** Martin Kelly Planning 104, Greenpark Meadows,  
Mullingar, Westmeath  
**Proposed Development:** Construct and reinstate tea rooms to include  
reception; main tea room area; kitchen; lobby; 2 wc's;  
patio area and parking and to install a septic tank and  
percolation area with all ancillary site works.  
**Location:** O'Neills Tea Rooms, Cruagh Road, Rathfarnham,  
Dublin 16  
**Applicant Name:** Frank O'Gorman  
**Application Type:** Permission

(CS)

### Description of Site and Surroundings:

Site Area: 0.519 Hectares

#### Site Description:

The entrance to the subject site sits directly across from the junction of the Cruagh & Glencullen Roads (R116). The site is located to the north of Cruagh Road and contains mature trees and planting and also contains old walls from the old tea rooms building (4/5 feet in height). The site is zoned 'HA-DM' – High Amenity Dublin Mountains Area', which seeks "To protect and enhance the outstanding natural character of the Dublin Mountain Area".

### Proposal:

The proposed works include:

- Construction and reinstatement of tea rooms ('Restaurant/Café') to include reception, main tea room area, kitchen, lobby 2 w.c's, patio area's and parking and installation of septic tank.
- Demolition of part of original tea rooms building which is not stated in the public notices.
- Proposed works measure c.169sq.m.

It is noted that the applicant states the current building has no roof in situ but has walls measuring c.4/5 feet in height. It is also noted that no existing planning drawings have been submitted for what remains of the tea rooms.

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### Zoning:

Under the South Dublin County Development Plan 2016 – 2022, the site is subject to the land-use zoning objective 'HA-DM – High Amenity Dublin Mountains Area', which seeks "To protect and enhance the outstanding natural character of the Dublin Mountain Area".

### Consultations:

Roads Section – **Additional Information** recommended or **conditions** to be attached in the event of a grant.

Parks Department - **Additional Information** recommended.

Surface Water Drainage – **Additional Information** recommended.

Irish Water – Referred to EHO.

Environmental Health – Acceptable subject to **conditions**.

Heritage Officer – recommend refusal

### SEA Sensitivity Screening

Indicates overlap with the following layers:

- High Amenity Dodder Dublin Mountains 2016.

### Submissions/Observations /Representations

One objection was received from Martin Kelly of 'Lidos' on Mount Venus Road and includes the following issues:

- Tea Room are proposed to be located with new build construction and not within an 'existing premises'.
- Contrary to the 'HA-DM' zoning objective for the area which seeks to 'Protect and enhance the outstanding natural character of the Dublin Mountains Area'.
- Proposal will generate additional turning movements at a crossroads junction within 40m of a 90 degree bend on a narrow road thus endangering public safety by reason of a traffic hazard.
- Proposal will adversely impact on the existing rural character and adversely impact on the landscape and will increase pressure on the demand for the provision of uneconomic and unsustainable public services.
- The applicant has failed to take into consideration the location of the site within the outstanding natural beauty of the Dublin Mountains area where environmental and visual sensitivity is classified as high.

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- Proposal would not be in accordance with the proper planning and sustainable development of the area.

The objection/s and submission/s lodged with the application have been considered in the overall assessment of the development

### **Relevant Planning History**

None traced to subject site.

#### *Adjacent sites*

**ED12/0020:** Cruagh, Rathfarnham, Dublin 16.

Illegal forest road site and other works.

Decision: SDCC **Cannot Determine**.

ABP. 06S.RL.3048. : Appeal Dismissed.

### **Relevant Enforcement History**

ENF S7710 : Live Case remains open.

The case which still remains open refers to the following:

1. the widening of a means of access on to the public road.
2. the creation of a new access on to the public road.
3. the rebuilding/reconstruction of a semi-derelict structure for the keeping of animals/animal feed/farm machinery, which may be within 10 metres of a public road and 100 metres from a residential property in separate ownership.

### **Pre-Planning Consultation**

None.

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

#### *Section 2.5.0 Rural Housing*

#### *Policy H20 Management of Single Dwellings in Rural Areas*

*It is the policy of the Council to restrict the spread of dwellings in the rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.*

#### *Policy H21 Rural Housing Policies and Local Need Criteria*

*It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005) and Circular SP 5/08 Rural Housing Policies and Local Need*

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*Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty, "persons who are an intrinsic part of the rural community" or "persons working full-time or part-time in rural areas" as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines (2005) shall be favourably considered in relation to rural housing.*

### *Policy H23 Rural Housing in HA Zone*

*It is the policy of the Council that within areas designated with Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) new or replacement dwellings will be only be considered in exceptional circumstances.*

### *H23 Objective 1:*

*To consider new or replacement dwellings within areas designated with Zoning Objective 'HA-Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) where all of the following criteria are met:*

- The applicant is a native of the area; and*
- The applicant can demonstrate a genuine need for housing in that particular area; and*
- The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and*
- The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.*

*These criteria are in accordance with the Sustainable Rural Housing Guidelines (2005), having regard to the outstanding character of the area and the need to preserve the environmental and landscape quality of this area.*

### *H23 Objective 2:*

*To generally prohibit development within restricted areas identified on the Bohernabreena/Glenasmole Reservoir Restricted Areas Map contained in Schedule 4.*

### *Section 2.5.5 Rural Housing In HA – Liffey Valley and HA – Dodder Valley*

*Policy H24 Rural Housing in HA – Liffey Valley and Dodder Valley*

### *Section 2.5.7 Rural Dwelling Occupancy*

*Policy H26 Occupancy Condition*

*It is the policy of the Council that conditions attached to the grants of permission for housing in Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV) areas will include the stipulation that the house must be first occupied as a place of permanent*

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*residence by the applicant and/or by members of his/her immediate family, for a minimum period of seven years or such other longer period of time as is considered appropriate.*

### *Section 2.5.8 Rural House & Extension Design*

#### *Policy H27 Rural House & Extension Design*

*It is policy of the Council to ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.*

#### *H27 Objective 1:*

*Ensure that all new rural housing and extensions within areas designated with Zoning Objective 'RU' (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning Objective 'HA-LV' (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective 'HA-DV' (to protect and enhance the outstanding character and amenity of the Dodder Valley):*

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- Retains and reinstates traditional roadside and field boundaries; and*
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
- Would not create or exacerbate ribbon or haphazard forms of development.*

### *Section 11.3.4 Rural Housing*

#### *11.3.4 Rural Housing*

##### *(i) Housing Need*

*The Rural Settlement Strategy outlined in Chapter 2 Housing sets out the requirements to meet housing need that will be considered for housing on lands that are designated with Zoning*

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*Objective 'RU', 'HA-DM', 'HA-LV' and 'HA-DV'. For the purpose of assessing local rural housing needs criteria, the division between the High Amenity Dublin Mountain 'HA-DM' Zone and the High Amenity Dodder Valley 'HA-DV' Zone occurs at Fort Bridge, Bohernabreena with the 'HA-DM' Zone occurring to the south of the bridge and the 'HA-DV' Zone occurring to the north of the bridge.*

### *(ii) Rural Housing Design*

*A comprehensive site analysis and character appraisal should be submitted with all applications for houses and extensions in rural and high amenity zones (see also Section 11.5.5 (i) Ecological Protection and (ii) High Amenity and Sensitive Landscapes). The analysis and appraisal should provide a rationale for the design and siting of the proposed development including form, building finishes, height, and massing based on the local and natural context. Such development should generally be low rise. The shape and form of residential development in rural and high amenity areas, including roof structures, should be compact and simple with external building finishes that reflect the local character of the area including vernacular buildings and traditional building materials. Dormer extensions should be minimised and should not obscure the main features of a roof.*

*A minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of road in a manner that creates ribbon development should be avoided. Dwellings and extensions should not be located on a ridgeline or in an elevated position in the landscape. The natural slope and landcover of sites should be retained, with an appropriate tree and hedgerow planting scheme that utilises and augments indigenous planting. Traditional field and roadside boundaries, including old stone boundary walls and hedgerows, should be retained or reinstated as much as possible. Sustainable Urban Drainage measures should also be incorporated.*

*Driveway and parking areas should be minimised and should follow the natural slope and contours of the site with appropriate permeable materials. Modern gateways, piers and boundary walls should be avoided with the exception of the retention and reinstatement of traditional stone boundary walls.*

### *(iii) Wastewater Treatment*

*Domestic effluent treatment plants and percolation areas serving rural houses or extensions shall comply with the requirements of the Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards. Such details should be included with applications for new or replacement houses and extensions to existing dwellings where there would be an increase in demand on the treatment capacity of any existing wastewater treatment system.*

*Policy HCL1 Heritage, Conservation and Landscapes*

*Policy HCL2 Archaeological Heritage*

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*Section 9.2.0 Landscapes  
Policy HCL7 Landscapes*

*Section 8.1.0 Green Infrastructure Network  
Policy G2 Green Infrastructure Network*

*Section 8.2.0 Watercourses Network  
Policy G3 Watercourses Network*

*Section 9.2.1 Views and Prospects  
Table 9.2: Prospects to be Preserved and Protected  
Policy HCL8 Views and Prospects  
HCL8 Objective 1*

*Section 9.2.3 Dublin Mountains  
Policy HCL9 Dublin Mountains*

*Section 9.3.0 Natural Heritage Sites*

*Section 9.3.1 Natura 2000 Sites  
Table 9.3 Natura 2000 Sites  
Policy HCL12 Natura 2000 Sites*

*Section 9.3.2 Natural Heritage Areas  
Table 9.4 Proposed Natural Heritage Areas  
Policy HCL13 Natural Heritage Areas*

*Section 9.3.5 Non-Designated Areas  
Policy HCL15 Non-Designated Areas  
HCL15 Objective 1  
HCL15 Objective 2  
HCL15 Objective 3*

*Section 9.4.0 Public Rights of Way and Permissive Access Routes  
Policy HCL16 Public Rights of Way and Permissive Access Routes*

*Section 11.7.2 Energy Performance in New Buildings  
Section 11.8.2 Appropriate Assessment*

*Schedule 1: Record of Monuments and Places*

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*Schedule 4: Restricted Areas for Development Glenasmole Bohernabreena*

*Landscape Character Assessment of South Dublin County (2015)*

### **Relevant Government Policy & Guidelines**

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

***Regional Spatial and Economic Strategy, Eastern & Midland Regional Assembly, 2019.***

***Section 5: Dublin Metropolitan Area Strategic Plan in Regional Spatial and Economic Strategy, 2019.***

***Sustainable Rural Housing Guidelines for Planning Authorities DoEHLG (2005)***

***Wastewater Treatment and Disposal Systems Serving Single Houses*** Environmental Protection Agency (November 2009)

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

***Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)***

### **Relevant Regional Policy Objectives in Regional Spatial & Economic Strategy**

***Section 4.8 – Rural Places: Towns, Villages and the Countryside***

*The National Planning Framework and RSES make a distinction between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and rural areas outside these catchments.*

*Core strategies for county development plans shall identify areas under strong urban influence in the hinterlands of settlements and set the appropriate rural housing policy response to avoid ribbon and over spill development from urban areas, support revitalised towns and villages, achieve sustainable compact growth targets, sustainably address rural decline and protect the rural resource for rural communities.*

### **RPO 4.78**

*Development plans should support the development of a 'New Homes in Small Towns and Villages' initiative which would augment the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to*



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*create 'build your own home' opportunities within the existing footprint of rural settlements to provide new homes to meet housing demand.*

### RPO 4.79

*Local authorities shall identify and provide policies that recognise the contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry enterprise is supported.*

### RPO 4.80

*Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

## Section 5: Dublin Metropolitan Area Strategic Plan

### RPO 5.5

Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

### RPO 5.7 – MASP Green Infrastructure

*Co-ordinate across local authority boundaries to identify, manage, develop and protect regional Green Infrastructure, to enhance strategic connections and develop a Green Infrastructure policy in the Dublin Metropolitan Area.*

### Assessment

The main issues for consideration are:

- Zoning and Council Policy,
- Visual Impact & Landscape Character Assessment,
- Access & Parking,

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- Heritage & Ecology,
- Parks & Landscaping,
- Environmental Health Officer (EHO),
- Services & Drainage,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR).

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

The subject site is located in an area with zoning objective HA-DM - *'To protect and enhance the outstanding natural character of the Dublin Mountains Area'* in the South Dublin County Development Plan 2016-2022.

The proposal for a 'Restaurant/Café' is open for consideration within the 'HA-DM' zoning objective subsequent to it being in accordance with the relevant criteria (Table 11.1):

- 'a' *In existing premises.*
- 'd' *Not permitted above 350m contour.*

It is considered that the existing c.4/5 foot high wall structures with no roof **does not constitute an existing premises** and what is proposed is a new premises.

At c.280m above ordnance datum the subject site for the proposal is not above the 350m contour as per SDCC Development Plan Map Index 2016-2022.

Thus, on the basis that the proposal is not in an existing premises it would contravene the 'HA-DM' zoning objective for the area as set out in the SDCC Development Plan 2016-2022 and should be **refused**.

### ***Visual Impact & Landscape Character Assessment,***

The subject site contains mature trees and planting along the entrance on Cruagh Road and within the subject site. There are protected views as per the SDCC Development Plan 2016-2022 Map Index looking northwards towards the subject site from Cruagh Road. The land slopes in a south-north direction, sloping towards the subject site.

The applicant states in their cover letter submitted that the proposal *'fits into the surrounding landscape sympathetically and is environmentally sustainable'*.

The applicant also states the following in their cover letter submitted *'Due to its sympathetic and low visibility design would protect the rural character of the countryside and minimize environmental impacts'*.

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However, no Landscape Character Assessment or Visual Impact Assessment has been submitted as part of this application. There is no documentation regarding site selection and siting showing how the proposed development will be positioned in such a way to minimize environmental and visual impacts and fit into the rural character of the landscape sensitively. Drawings submitted do not satisfactorily show how the applicant proposes to make maximum use of natural tree screening on the site to mitigate against potential visual impact. The absence of any siting and visual impact assessment for the proposal in the 'HA-DM' zoning objective is not acceptable to the planning authority and therefore the proposal should be **refused**.

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

A report was received from the Roads Section recommending **Additional Information** be requested or **conditions** to be attached in the event of a grant. An extract taken from the Roads report states the following:

### **Description:**

*Construct and reinstate tea rooms to include reception; main tea room area; kitchen; lobby; 2 wc's; patio area and parking and to install a septic tank and percolation area with all ancillary site works.*

*Cruagh Road Speed Limit: 60km/h*

### **Access & Roads Layout:**

*The site is served by an existing entrance which is permanently barricaded. The removal of the barrier, the proposed construction of a new road and a retail development would serve to generate a significant traffic flow to and from the site and would increase risk at the junction to all road users.*

*The entrance sits directly across from the junction of the Cruagh & Glencullen Roads (R116), and SDCC Roads Department would be concerned about:*

*(1) changing the traffic layout from T-junction to Crossroad, and*

*(1) introducing a significant traffic stream at this location.*

*A Road Safety Audit will be required to assess the effect introducing another traffic stream at this junction would have, and to assess the associated risks that would arise.*

*No information regarding sightlines has been submitted. The minimum sightline/visibility splay required for a 60km/h road is 2.4m x 90m.*

*A junction layout drawing will be required. The approach slopes to the Cruagh road must not exceed 2% gradient and this must be detailed.*

*There is no mention of how pedestrian/cyclist access/egress is managed within the proposal.*

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### **Car Parking:**

*7 carpark spaces are proposed, plus 1 mobility impaired space. Applicant must demonstrate that car park rates meet the criteria in SDCC CDP 2016-2022 Table 11.23 (Max parking rates – non-residential – Zone 1). The applicant shall provide 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular parking spaces to be equipped with electrical charging points, REASON: In the interest of sustainable transport.*

### **Bicycle Parking:**

*No provision for bicycle parking has been made. Applicant must demonstrate that bicycle parking rates meet the criteria in SDCC CDP 2016-2022 Table 11.22 (Min bicycle parking rates). All bicycle parking must be covered.*

### **Taking in Charge:**

*Applicant shall provide a Taking in Charge if any areas are to be offered for Taking in Charge to SDCC.*

### **Roads recommend that additional information be requested from the applicant:**

- 1. Applicant to provide a **Road Safety Audit** which details the following:
  - a. The existing junction layout.*
  - b. The proposed junction layout, including proposed:
    - i. Footpaths*
    - ii. Cycle paths*
    - iii. Lining & signing.**
  - c. The effect the development's traffic will have on the junction.*
  - d. Current & future traffic flows/totals.*
  - e. AutoTRAK drawing demonstrating traffic access/egress, and traffic priority.*
  - f. Proposed road levels – There is a requirement for a level area adjacent to a public road. The gradient of the access could not exceed 2.5% over the last 6 metres of approach to the public road.**
- 2. Applicant to submit an accurate drawing demonstrating the provision of a visibility splay of 2.4m x 90m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).*
- 3. Applicant must demonstrate that car park rates meet the criteria in SDCC CDP 2016-2022 Table 11.23 (Max parking rates – non-residential – Zone 1). The applicant shall provide 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular*

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*parking spaces to be equipped with electrical charging points, REASON: In the interest of sustainable transport.*

- 4. Applicant must demonstrate that bicycle parking rates meet the criteria in SDCC CDP 2016-2022 Table 11.22 (Min bicycle parking rates). All bicycle parking must be covered.*
- 5. Applicant shall provide a Taking in Charge drawing if any areas are to be offered for Taking in Charge to SDCC.*

### **Should the permission be granted, the following conditions are suggested:**

- 1. The boundary walls/fences at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars/posts shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 2. The vehicular access point shall not exceed a width of 4.5 meters.*
- 3. Any gates shall open inwards and not outwards over the public domain.*
- 4. All vehicles parked must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*
- 5. The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.*

Notwithstanding the recommendation of Roads report and given concerns regarding the location of the vehicular entrance for the subject site where it sits directly across from the junction of the Cruagh & Glencullen Roads (R116) it is considered the proposal would endanger public safety by reason of a traffic hazard and should be **refused**.

### ***Heritage & Ecology,***

A report was received from the Heritage Officer recommending **refusal**. An extract taken from the Heritage Officers report states the following:

*I have reviewed this application and have a number of concerns in relation to the insufficiency of the information submitted.*

*The application as submitted makes no reference to any ecological assessment that may have been undertaken for the proposed development site. This is a critical omission, as it therefore does not facilitate any due assessment of potential ecological impact that might arise from the*

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*proposed development either during construction or during the operation of the proposed tea rooms.*

*This is primarily of concern as the proposed development site is located in a sensitive ecological location in the Dublin Mountains, close to a tributary of the Owendoher which is an important trout spawning river. Due to the forested nature of the vicinity and the presence of ruined buildings, there is the potential for protected species such as bats to be present or to use the site for foraging or roosting. This would need to be assessed.*

*The proposed development site is also in close proximity to two Natura 2000 sites, the Wicklow Mountains Special Area of Conservation and the Wicklow Mountains Special Protection Area for Birds. Sufficient ecological survey assessments would need to be undertaken in order to inform an Appropriate Assessment of the potential impacts of the proposed development on these nearby protected sites.*

*Due to the significant absence of this essential ecological information, I would recommend a **refusal** of this application in its current form.*

Based on the assessment of the proposal by the Heritage Officer and given the significant absence of essential ecological information it is considered appropriate to **refuse** the application.

### ***Parks & Landscaping,***

The Parks Department has issued a report recommending **Additional Information** be requested. An extract taken from the Parks report states the following:

#### *Public Realm Comments:*

*In relation to the above proposed development, this section has reviewed the application and has the following comments:*

#### *Subject Site*

*The development site is located in an area of outstanding natural beauty with the Dublin Mountains, specific objectives which apply to this site as per the CDP 2016-2022 include:*

*Objective HA - (LV, DV, DM) To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas*

*Protect and Preserve Significant Views*

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### *Landscape Plan*

*The applicant has shown proposed planting on the submitted proposed site layout drawing, however this submitted site plan lacks sufficient information in terms of proposed landscaping and as such is not deemed suitable in terms of a landscape layout and is not acceptable to the Public Realm Section. A detailed landscape scheme along with a landscape rationale shall be provided which helps to integrate the development into the local landscape and through suitable planting provides visual screening, mitigation of negative visual effects and which improves local biodiversity and green infrastructure links. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape. The landscape plan and associated planting plan should be prepared by a suitable qualified landscape architect.*

### *Existing Trees and Hedgerows*

*There are concerns with the lack of information submitted in relation to existing trees and hedgerows within the site. The subject site would be considered to be of high ecological and biodiversity value in terms of existing trees and vegetation present on site. The applicant is requested to submit a detailed tree and hedgerow survey report for the trees within and along the boundaries of the subject site. This tree survey shall be undertaken by a suitably qualified arborist. The report shall provide detailed information on the condition and health of the existing trees and it shall also clearly detail what impacts the development will have on the trees but also potentially the tree roots.*

### *Ecology*

*There are concerns with the lack of information submitted in relation to ecology given the rural and sensitive nature of the site in terms of ecology, biodiversity, flora and fauna. The applicant is requested to submit a full ecological assessment including a bat survey.*

### *Landscape and Visual Impact Assessment*

*Considering the sensitive nature of the site in terms of protected views and the fact that the applicant has provided little or no information as to the landscape and visual impact of the proposed development. The applicant is requested to provide a detailed landscape and visual impact assessment including photo montages for the proposed development.*

### *SuDS*

*A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDS features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water*

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*system. There are concerns with how surface water is to be managed within the subject site and the applicant is requested to address the following matters:*

*It is unclear how much attenuation in total is provided for the development. Submit a report and drawing showing how much surface water attenuation in m<sup>3</sup> is provided for the development. Also submit a drawing showing where the surface water attenuation will be provided for the development.*

*Include additional SuDS (Sustainable Drainage System Features) and submit details of same. The applicant needs to confirm how the SUDS will function, the scale, depth, relative levels, appearance and character of the SUDS as well as the practicality of the design by demonstrating:*

- *Appropriate response to site conditions, constraints and opportunities relating to SUDS*
- *The layout reflects the Modified Flow Route Analysis*
- *The design will show the appearance of the site and how the site will function*
- *How run off is collected, the use of source control and the integration of management train into the layout.*
- *How SUDS design complies with GSDS hydraulic criterion*
- *The design will be developed to a stage that confirms it can be constructed practically and be managed and maintained at a reasonable cost*

*SuDS that should be considered for the development include:*

- *Green Roofs*
- *Bioretention Tree pits*
- *Filter strips*
- *Permeable and porous paving*
- *Green area detention basins*
- *Swales*

### *Green Infrastructure*

*Again, given the sensitive rural nature of the site, the applicant is requested to submit green infrastructure proposals to help mitigate and compensate for the impact of the proposed development on this green field site and the removal of a hedgerow. These proposals shall include additional landscape details, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local fauna, including bats, bees, insects and birds.*



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### *Proximity of Development to the water body along Eastern Boundary*

*There are concerns with regard to the proximity of the proposed development to the stream located along the eastern boundary. Planning Policy G3 Objective 2 of the CDP 2016-2022 - G3 Objective 2 requires; "To maintain a biodiversity protection zone of not less than 10 meters from the top of the bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities." The applicant should clearly show on a drawing a 10m set back from any proposed building to the top of the bank of this water body.*

*The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:*

*Considering the sensitive and rural nature of the subject site. The applicant is requested to submit the following additional information:*

*(i) A detailed landscape, tree and boundary survey of the existing site (to include both plans and elevational drawings).*

*(ii) A detailed proposed landscape plan. The proposed landscape plan should demonstrate how existing green infrastructure, biodiversity and ecology will be protect, enhanced and incorporated into the overall design.*

*(iii) A site boundary treatment plan.*

*(iv) The applicant is requested to submit a landscape design rationale and comprehensive and detailed proposals, prepared by a qualified Landscape Architect, for the written agreement of the Public Realm Section. Such proposals should include a scaled landscape plan(s) with cross- sections, showing the layout and hard and soft treatment of all boundaries and proposed SUDS features. Proposals shall be accompanied by specifications for materials, workmanship and maintenance, together with proposed design details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing etc. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. Specific measures to protect and enhance the existing ecology and biodiversity of the site. The landscape plan shall be accompanied by a timescale for its implementation.*

*(v) Tree and Hedgerow Survey - The applicant is requested to submit a comprehensive Tree Report to the Public Realm Section. This shall comprise of a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction -recommendations. The report shall be carried out by an independent, qualified Arborist and shall include all of the following:*

*a) 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.*

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*b) 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.*

*c) 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.*

*d) Design Iteration- Adjustments, Revisions to Proposed Site Layout: subsequent to and arising from the Impacts Assessment, the applicant's design team [especially arborist, consulting architect(s) and engineer(s)] shall demonstrate in their submission, that it has sufficiently explored and investigated layout alternatives, to achieve an optimal solution that meets South Dublin County Councils Tree Strategy and its Development Plan standards in respect of tree preservation and tree retentions, as appropriate.*

*e) Tree Constraints Plan: a scaled site plan (1:500@A1) showing the impacts of all surveyed trees in relation to the site layout of the proposed development.*

*f) Tree Protection Plan: a scaled site plan (1:500@A1) of the proposed development, clearly showing and distinguishing (by colour coding) those trees and hedges to be retained and protected and those to be removed; showing alignments of Tree Protection Fencing and areas to be excluded from construction activities and compound(s), site office(s), plant, equipment and materials storage. Root Protection Areas (RPAs') of all trees and hedgerows to be clearly shown on this drawing.*

*g) Arboricultural Method Statement: clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan.*

*Summary Table: Summary of all trees and hedgerow proposed for removal and retention to include numbers and percentages.*

*h) The applicant is requested to submit pictures of the existing trees/hedgerows subject to any tree protective fencing. This shall include a location map of where each picture was taken from.*

*i) Arborist's name, arboricultural qualifications and contact details.*

*j) Date that the survey was carried out (surveys > 12 months are unacceptable).*

*(vi) SUDs and Green Infrastructure. The Public Realm Section has concerns that the proposed development is contrary to Policy G5 -Sustainable Urban Drainage Systems and Objective G5 1 and G5 2 in the County Development Plan. The applicant is requested to:*

*a) revisit the design and layout of the proposed development and demonstrate how the development will comply with these policies and objectives*

*b) submit revised plans to include the following:*

*a. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site*

*b. Demonstrate how natural SUDS features can be incorporated into the design of the proposed Development*

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(vii) *Landscape and Visual Impact Assessment – Considering the sensitive nature of the site the applicant is requested to submit a Landscape and Visual Impact Assessment Report including phot montages for the proposed development.*

(viii) *Submit green infrastructure proposals that will mitigate and compensate for the impact of the proposed development on this existing site. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population. Response should include revised layout and drawings.*

(ix) *Ecology and Bats - The applicant is requested to submit the following information:*

*a) An Ecological Impact Assessment*

*b) Bat survey - a bat survey for bat usage shall be carried out across the entire site and immediately adjoining sites to assess roosting and feeding/foraging activities and assessing potential impact on these species arising from the proposed development. This is to be undertaken by a qualified and experienced bat expert at the appropriate time of the year for the survey of species.*

Based on the assessment of the proposal by the Parks Department and given the concerns of the Heritage Officer in relation to ecological matters it is considered appropriate to **refuse** the application.

### ***Environmental Health Officer (EHO),***

A report received from the EHO has recommended the application to be acceptable subject to **conditions**. An extract taken from the EHO report states the following:

#### *Decision:*

*The above development is acceptable to this office subject to the following conditions:*

#### *Wastewater Treatment*

*1 The proposed wastewater treatment systems shall be located, installed and operated in accordance with the details submitted to the Planning Authority on 11/03/2022 and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*

*Reason: In the interest of public health.*

*2 A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.*

*Reason: In the interest of public health in order to ensure adequate drainage provision.*

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3. *Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.*

*Reason: In the interest of public health in order to ensure adequate drainage provision.*

*NOTE TO DEVELOPER: The food business must be notified to your local Environmental Health Office to be registered under the relevant food law.*

The above recommendations are noted.

### ***Services & Drainage,***

A report was received from Surface Water Drainage recommending **Additional Information** be requested. It is noted that Irish Water referred the application to EHO for comment. An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: **Further Information** Required:*

*1.1 The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.*

*1.2 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*

- Permeable Paving*
- Rain Gardens*
- Planter boxes with overflow connection to the public surface water sewer.*
- Grasscrete*
- Swales*
- Channel Rills*
- Water Butts*

*Flood Risk No Objection:*

*All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

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*Water Report: Refer to EHO*

*Foul Drainage Report: Refer to EHO*

Notwithstanding the report from Surface Water Drainage, due to insufficient information regarding Surface Water Drainage requirements the Planning Authority are not satisfied that the proposal would not be prejudicial to public health and should therefore be **refused**.

### ***Screening for Appropriate Assessment (AA),***

Given the nature of the proposed development and the close proximity from Natura sites it is considered that the absence of a Stage 1 AA screening report is not acceptable and should therefore be **refused**.

### ***Screening for Environmental Impact Assessment (EIAR)***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Conclusion**

Having regard to the policies and objectives of the South Dublin County Development Plan 2016 - 2022, the 'HA-DM' zoning of the site, it is considered that the proposed development would be contrary to the 'HA-DM' zoning objective, Council policy and the proper planning and sustainable development of the area. Therefore, permission should be **refused**.

It is considered that **permission should be refused** based on the following issues:

- Contrary to the 'HA-DM' Land use zoning objective of the Development Plan 2016-2022.
- Contrary to Policy HCL 7 (Landscapes).
- Contrary to Policy HCL 8 (Views & Prospects).
- Contrary to Policy HCL 9 (Heritage, Conservation and Landscapes (HCL) Policy 9 Dublin Mountains).
- Contrary to Policy HCL 12 (Natura 2000 sites).
- Contrary to Policy HCL 13 (Natural Heritage Areas).
- Endanger public safety by reason of a traffic hazard.

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- Adverse impact on protected views.

### **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 subject site is located in an area with zoning objective HA-DM - High Amenity Dublin Mountains which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' in the South Dublin County Development Plan 2016-2022. The proposal for a 'Restaurant/Café' is open for consideration within the 'HA-DM' zoning objective subject to it being in accordance with the relevant criteria (Table 11.1) where the development is within an existing premises and is not above the 350 metre contour. The proposed development is to located where there is an existing c.4/5 foot high wall structure with no roof. This is not considered to be an existing premises. Thus, the proposal contravenes a fundamental requirement of the zoning objective and would be contrary to the 'HA-DM' zoning objective for the area as set out in the SDCC Development Plan 2016-2022.
2. Given concerns regarding the location of the vehicular entrance for the subject site where it sits directly across from the junction of the Cruagh & Glencullen Roads (R116) it has not been satisfactorily demonstrated that the proposal would not endanger public safety by reason of a traffic hazard.
3. There is a significant absence of essential ecological information with the application. As the proposed development site is located in a sensitive ecological location in the Dublin Mountains, close to a tributary of the Owendoher which is an important trout spawning river and due to the forested nature of the vicinity and the presence of ruined buildings, there is the potential for protected species such as bats to be present or to use the site for foraging or roosting. This has not been assessed in the submission by the applicant. The proposed development site is also in close proximity to two Natura 2000 sites, the Wicklow Mountains Special Area of Conservation and the Wicklow Mountains Special Protection Area for Birds. Sufficient ecological survey assessments have not been undertaken in order to inform an Appropriate Assessment of the potential impacts of the proposed development on these nearby protected sites.  
It has not been satisfactorily demonstrated that the proposal would not contravene the following policies of the SDCC Dvelopment Plan 2016-2022:

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- Policy HCL 9 (Heritage, Conservation and Landscapes (HCL) Policy 9 Dublin Mountains).
  - Policy HCL 12 (Natura 2000 sites).
  - Policy HCL 13 (Natural Heritage Areas).
4. Due to insufficient information regarding Surface Water Drainage requirements the Planning Authority are not satisfied that the proposal would not be prejudicial to public health.
  5. There are protected views as per the SDCC Development Plan 2016-2022 Map Index looking northwards towards the subject site from Cruagh Road. The land slopes in a south-north direction, sloping towards the subject site. The applicant states in their cover letter submitted that the proposal 'fits into the surrounding landscape sympathetically and is environmentally sustainable'. However, no Landscape Character Assessment or Visual Impact Assessment has been submitted as part of this application. There is no documentation regarding site selection and siting showing how the proposed development will be positioned in such a way to minimize environmental and visual impacts and fit into the rural character of the landscape sensitively. The absence of any siting and visual impact assessment for the proposal in the 'HA-DM' zoning objective and the adverse impact on Protected Views is not acceptable to the planning authority. The proposal would be contrary to the following policies of the SDCC Development Plan 2016-2022:
    - Policy HCL 7 (Landscapes).
    - Policy HCL 8 (Views & Prospects).


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**REG. REF. SD22A/0076**

**LOCATION: O'Neills Tea Rooms, Cruagh Road, Rathfarnham, Dublin 16**

  
\_\_\_\_\_  
**Jim Johnston,**  
**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: 05/05/2022**

  
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**Colm Harte,**  
**Senior Executive Planner**