

Comhairle Chontae Atha Cliath Theas

PR/0774/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0307 **Application Date:** 15-Nov-2021
Submission Type: Additional **Registration Date:** 23-May-2022
Information

Correspondence Name and Address: Ruairi Finucane, Brock Finucane Architects 28,
Lower Baggot Street, Dublin 2

Proposed Development: Two, 2 storey dwellings and associated site works on the site of and adjacent to an existing 2 storey dwelling (for clarity the existing dwelling Lynbrook is to remain); proposed dwelling A - 4 bedrooms, 241 sq.m; proposed dwelling B - 5 bedrooms, 240 sq.m; access is proposed to be by an existing driveway from the Whitechurch Road serving the existing dwelling on site; the existing driveway will be extended to serve the proposed dwellings; 4 car parking spaces; on-site drainage treatment and additional soft and hard landscaping are proposed as part of the development.

Location: Lynbrook, Whitechurch Road, Rathfarnham,
D16T2P7

Applicant Name: Nicola Lynch & Brian Dunne & Ciara Lynch &
Richard O'Farrell

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.454 Hectares on the application.

Site Visit: 15th of December 2021.

Site Description

The subject site is located on the western side of Whitechurch Road in Rathfarnham. The site contains a two storey, detached dwelling with outbuildings. The Glin River (otherwise known as Whitechurch Stream) flows through the site, along the eastern boundary. The vehicular access is from Whitechurch Road over a bridge across the Glin River. The site is largely vegetated around the boundaries. The site adjoins low density residential development.

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Proposal

Permission is sought for the construction of **two, 2 storey dwellings** and associated site works on the site of and adjacent to an existing 2 storey dwelling (for clarity the existing dwelling Lynbrook is to remain);

- Proposed dwelling A - 4 bedrooms, 241sq.m;
- Proposed dwelling B - 5 bedrooms, 240sq.m;
- Access is proposed to be by an existing driveway from the Whitechurch Road serving the existing dwelling on site;
- The existing driveway will be extended to serve the proposed dwellings;
- 4 car parking spaces;
- On-site drainage treatment and additional soft and hard landscaping are proposed as part of the development.

Zoning

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

Consultations

Water Services – further information requested.

Irish Water – no objection subject to conditions.

Inland Fisheries – no report received.

Public Realm – recommend refusal.

Heritage Officer – no report received.

H.S.E. Environmental Health Officer – further information requested.

Roads Department – no objection subject to conditions.

SEA Sensitivity Screening – To the north of the subject site are Protected Structures RPS Nos. 352 Whitechurch Cross Base Fragment (Opposite Whitechurch New Church) (RM) and 354 Whitechurch Church of Ireland, Rathfarnham Stone Church, School, Graveyard & Gateway.

Submissions/Observations /Representations

None received.

Relevant Planning History

Subject site

None.

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Adjacent site to west

SD19A/0105 Coill Avon, Whitechurch Road – **permission refused.**

Construction of a residential development of 62 units: demolition of the existing house, Coill Avon, and the construction of 28 three bedroom, two storey terraced houses; 3 four bedroom, two storey with dormer end of terrace houses and 3 four bedroom, three storey end of terrace houses, ranging in size from 110sq.m to 178sq.m with in curtilage car parking and 9 visitor car parking spaces; 16 two bed apartments over four floors (Block A), 7 one bed apartments, 5 two bed apartments over three floors and one community room (Block B) with 30 car parking spaces; bin store; secure bicycle parking; open space in two locations including woodland area of 1,795sq.m and a Green of 708sq.m; new boundary treatment; landscaping and all associated service provision including two substations and alterations to the shared access and vehicular bridge to Coill Avon and Lynbrook on a site of 1.76 hectares (1.6 hectares application site and balance 0.16 hectares includes a section of the public road to facilitate connection to the public foul drainage system).

Permission refused for the following reasons in summary: not in accordance with Policy H3 SLO1, contrary to urban design principles, failure to account for flora and fauna, insufficient detail on surface water, and does not comply with DMURS.

Relevant Enforcement History

None relevant to the subject application.

Pre-Planning Consultation

PP059/21

The proposed development is for the construction of 2 x2 storey dwellings on the site of/ adjacent to an existing 2 storey dwelling. (The existing dwelling is to remain). Proposed Dwelling A: 4 bedroom, 235sqm. Proposed Dwelling B: 5 bedroom, 236sqm. Access will be by an existing driveway from the Whitechurch Road serving the existing dwelling on site. The existing driveway will be extended to serve the proposed dwellings.

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

2 Housing

Section 2.3.0 Quality of Residential Development

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

H17 Objective 1:

To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H17 Objective 2:

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

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Policy H17 Objective 3:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

7 Infrastructure & Environmental Quality

Policy IE 1 Water & Wastewater

Policy IE 2 Surface Water & Groundwater

Policy IE 3 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.

IE3 Objective 3:

To manage flood risk in the County in accordance with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities, DECLG and OPW (2009) and Circular PL02/2014 (August 2014), in particular when preparing plans and programmes and assessing development proposals. For lands identified as being at risk of flooding in (but not limited to) the Strategic Flood Risk Assessment, a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, is required, demonstrating compliance with the aforementioned Guidelines or any updated version of these Guidelines, paying particular attention to residual flood risks and any proposed site specific flood management measures.

IE3 Objective 4:

To support and facilitate the delivery of flood alleviation schemes in South Dublin County, including the following schemes:

- *Poddle Flood Alleviation Scheme.*
- *Ballycullen Flood Alleviation Scheme.*
- *Whitechurch River Flood Alleviation Scheme (at Rathfarnham); part of the Dodder CFRAMS.*

Policy IE 7 Environmental Quality

8 Green Infrastructure

Policy G1 Overarching

Policy G2 Green Infrastructure Network

Policy G3 Watercourses Network

G3 Objective 2:

To maintain a biodiversity protection zone of not less than 10 metres 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. Strategic Green Routes and Trails identified in the South Dublin Tourism Strategy, 2015; the

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Greater Dublin Area Strategic Cycle Network; and other government plans or programmes will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments, as these routes increase the accessibility of the Green Infrastructure network.

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

9. Heritage, Conservation & Landscapes

Policy HCL12 Natura 2000 sites

11 Implementation

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) Infill Sites

Section 11.3.2 (ii) Corner/Side Garden Sites

Section 11.4.1 Bicycle Parking Standards

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.5.5 Landscape

Section 11.6.0 Infrastructure and Environmental Quality

Section 11.6.1 Water Management

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).*
- *Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).*
- *Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.*
- *Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).*
- *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, (2009).*

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- *Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).*
- *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).*
- *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).*

Assessment

The main issues for assessment relate to:

- Procedural Issue;
- Zoning and Council Policy;
- Visual and Residential Amenity;
- Landscape
- Access and Parking;
- Services and Drainage;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Procedural Issue

The applicant states that they are the daughters (and families) of the owner of the site, however, no letter of consent to the application has been provided. The applicant should be requested to submit a letter of consent from the owner of the site. **This should be addressed via additional information.**

Zoning and Council Policy

The subject site is within zoning objective 'RES': '*To protect and/or improve residential amenity*'. Residential development in this zoning is Permitted in Principle. Therefore, the proposed redevelopment of the site for residential development is considered to be generally acceptable, subject to further assessment against the relevant policies, objectives and standards set out under this Plan.

Visual and Residential Amenity

Existing Residential Amenity

The development would provide for the construction of 2 two storey dwellings, Houses A and B, additional to the existing dwelling on site. The dwellings would be located to the north of the existing dwelling. The closest proposed dwelling to the existing dwelling, House A, would be located approx. 20.1m away at ground level with a further setback at first floor level. Sufficient private amenity space would be retained for the existing dwelling.

The proposed dwellings would be approx. 13.0m to 22.1m from the front (eastern) boundary, approx. 10.1m from the north boundary, and approx. 7.6m to 16.4m from the rear (western)

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boundary). Apart from the existing dwelling, the closest dwellings are detached dwellings on sites to the west, north and east. The closest of these dwellings is approx. 33.9m (to the east) from the proposed houses.

The houses would both be approx. 5.1m to 7.1m in height. Although it is noted that these heights would vary due to the ground level changes. House A would sit slightly higher than House B at +114.55m (above ground level) in overall height, as opposed to +114.05m (above ground level). Both houses sit lower in overall height than the existing dwelling, which is +116m (above ground level).

Given the proposed setbacks, height, and scale of the dwellings it is not considered the proposal would have significant overshadowing, overlooking and overbearing impacts.

Standard of accommodation

House A would have 4 bedrooms and be approx. 241sq.m in size. House B would have 5 bedrooms and be approx. 240sq.m in size. Bedroom Nos. 4 in the proposed dwellings are 7sq.m in size when the minimum requirement is 7.1sq.m, however, this is acceptable in this instance. Sufficient internal storage and private amenity space would be provided for both houses. There would be a separation distance of approx. 10m between the proposed dwellings. Although, due to the orientation of the buildings, there would be no directly opposing facades.

Visual Amenity

Under the County Development Plan infill development should be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. The overall subject site is approx. 0.454 ha in size.

The proposed dwellings would be of a contemporary design and the proposed materials are render and timber cladding. This is opposed to the existing dwelling which is of an irregular shape and is clad in red brick.

At the moment the site is surrounded by mature trees and the proposed dwellings would not be visible from the public road. This could change at some point in the future. That said, it is considered that, given the size of the site and the design of the new dwellings, they would be visually acceptable. It is not uncommon in the county to see older style dwellings adjacent to more recent contemporary dwellings.

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Landscape

The Public Realm Section has reviewed the proposed development and recommends refusal: *In relation to the above proposed development, this section has reviewed the application and has the following comments.*

The Public Realm Section would have concerns regarding the above application and its potential impact on the Whitechurch Stream and associated blue/green infrastructure considering the close proximity of the proposed structures (two 2 storey dwellings) to this important water course. In addition, the Public Realm Section would also have concerns as to the potential impacts of this proposed development on the existing trees, ecology, and associated biodiversity within the subject site. As Such the Public Realm Section recommends REFUSAL of this application.

Existing Trees and Green Infrastructure

The subject site contains a large number of existing mature trees and the Whitechurch Stream flows along the eastern boundary of the site and as such the site would be considered of high biodiversity and ecology value. The proposed development will have a negative impact on the existing mature trees, local biodiversity, and ecology and on the Green/Blue Infrastructure of the site.

Proximity of Development to the Whitechurch Stream

The applicant has shown a 10m stream set back within the submitted Architectural Design Statement and Planning Report, however it is not clear from this Report if the proposed Two, 2 storey dwellings are outside of this 10m set back. In addition, the applicant has proposed that an access driveway to the new dwellings is to be located within the proposed 10m stream set back - this is not acceptable to the Public Realm Section. The location/proximity of the proposed Two, 2 storey dwellings and the proposed new driveway to the Whitechurch Stream contravenes Planning Policy G3 Objective 2 of the CDP 2016-2022 - G3 Objective 2; "To maintain a biodiversity protection zone of not less than 10 metres 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."

Ecological Impact

The applicant has not provided any information as to potential ecological impacts of the proposed. The applicant is requested to undertake an Ecological Impact Assessment (EcIA) including a Bat Survey and this shall be presented and submitted in a standalone Ecological Impact Statement.

Arboricultural Impact

The applicant has not provided any information as to the impacts of the proposed development on the existing trees within the development area. The applicant should submit a tree survey report for the trees within the proposed development area. This tree survey should be undertaken by a suitably qualified arborist. The report should provide detailed information on the condition and health of the existing trees and should also provide an arboricultural impact assessment.

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Landscape Plan

The applicant has provided a landscape layout contained within the submitted architectural design statement, however this landscape layout lacks sufficient detail and is not acceptable to the Public Realm Section. The applicant is requested to provide a landscape plan including a detailed planting plan prepared by a suitably qualified landscape architect. The plan should aim to mitigate the potential negative visual impacts of the proposed development, should reinforce the Green Infrastructure, ecology and biodiversity of the site and mitigating the effects of climate change. The proposed planting should be predominantly native and a significant portion to be pollinator friendly.

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 REFUSAL based on the following:

1. Proximity of Development to the Whitechurch Stream

The location/proximity (<10m) of the existing structures for retention to the Whitechurch Stream contravenes Planning Policy G3 Objective 2 of the CDP 2016-2022 - G3 Objective 2; "To maintain a biodiversity protection zone of not less than 10 metres 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."

2. Arboricultural Impact of the Proposed Development

*The applicant has provided insufficient information as to the impact of the proposed development on the existing trees contained within the development site - This is not acceptable to the Public Realm Section; and would contravene policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 and other GI policies and objectives in the CDP.
REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.*

3. Impact of Development on Green Infrastructure

The Public Realm Section considers that the proposed development is contrary to Policy G6 - "It is the policy of the Council to support the protection and enhancement of Green Infrastructure in all new development in urban areas, to strengthen Green Infrastructure linkage across the wider urban network and to achieve the highest standards of living and working environment" and G6 Objective 1 and G6 Objective 2 and G6 Objective 3 in the County Development Plan.

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In the event that it is proposed to Request AI then the following Additional Information shall be requested:

1. Landscape Design Proposals

The applicant shall submit a detailed landscape design rationale and comprehensive and detailed landscape proposals prepared by a qualified Landscape Architect, for the written agreement of the Public Realm Section. Such proposals shall include a scaled landscape plan(s) with cross-sections, showing the layout and hard and soft treatment of all boundaries, features, external areas, and green spaces. The 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 and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause.

REASON: To assimilate the development into its surroundings, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting and policies HCL7 Objective 1 and HCL7 Objective 2 of the CDP 2016-2022.

2. Ecological Impact Assessment and Bat Survey

The applicant shall submit an Ecological Impact Assessment including a Bat Survey for the written approval of the Public Realm Section.

REASON: To ensure the protection of the natural Heritage of the site in accordance with policies IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

3. Tree Survey and Arboricultural Impact Assessment

The applicant shall submit a detailed Tree Survey Report, Arboricultural Impact Assessment Report and Tree Protection Plan for the written approval of the Public Realm Section.

REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

4. SUDs and Green Infrastructure

The current drainage scheme does not fully comply with the objectives of the development plan in terms of Green Infrastructure or as regards the proper implementation of SUDS.

The term Green Infrastructure is used to describe an interconnected network of waterways, wetlands, woodlands, wildlife habitats, greenways, parks and conservation lands, forests and other open spaces that adjoin and are threaded through urban areas. The Green Infrastructure network supports native plant and animal species and provides corridors for their movement, maintains natural ecological processes and biodiversity, sustains air and water quality, and provides vital

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amenity and recreational spaces for communities, thereby contributing to the health and quality of life of residents and visitors to the County.

A drainage system needs to be developed for the development which sustainably manages surface water through a natural hydrological regime or SUDS scheme within the development. The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement.

SUDS features to be incorporated into the proposed drainage system for the development include; natural swales, integrated tree pits, bio retention areas, rain gardens, green roofs, permeable paving etc.

a. The applicant is requested to submit proposals for the use of SUDS, in line with relevant County Development Plan policies on green infrastructure and surface water drainage in new developments

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective

5. Alien Invasive Plant Species Survey

The applicant shall submit an Alien Invasive Plant Species Survey Report for the written approval of the Public Realm Section.

REASON: To ensure that no propagules of any species listed in Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations of 2011 (as amended) are not introduced to the subject site during construction or activity.

Notwithstanding the recommendation from Public Realm, it is considered that given the principle of the development is acceptable these items should be addressed via **additional information**. It is noted that the proposed houses would be setback at least 10 m from Glin River. Further information is required in relation to the ecology of the site to assess the appropriate extent of the 'biodiversity protection zone' from the edge of this watercourse.

Access and Parking

The access would be via the existing access off Whitechurch Road. Space for sufficient onsite car parking for existing and proposed. The Roads Department has reviewed the proposed development and have no objections subject to the following condition: *All vehicles parked in the driveways must turn within the site and exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

While the report from Roads is noted, it is considered the recommended condition is unenforceable and should not be included in the event of a grant of permission.

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Services and Drainage

Water Services has reviewed the proposed development and request further information in relation to surface water:

1.1 *Submit a drawing showing the surface water layout for proposed development to include the point of connection to proposed soakaways.*

1.2 *Show in a report and drawing what SuDS (Sustainable Drainage Systems) are proposed in the development. Examples of SuDS include, permeable paving, green roofs, and other such SuDS.*

1.3 *Include water butts in proposed development as part of SuDS.*

The report from Water Services is noted and should be addressed **via additional information**. The applicant states that the finished floor levels have been set in response to the submitted Flood Risk Assessment. This assessment concludes that the site is classable as Flood Zone C meaning that residential development is appropriate for the site. Water Services have no objection in relation to flood risk.

Irish Water has reviewed the proposed development and has no objection subject to a condition that the applicant or development shall enter into a water connection agreement. This report is noted and should be conditioned as such in the event of a grant of permission.

Environmental Health

The H.S.E. Environmental Health Officer has reviewed the proposed development and request further information:

A site assessment has been submitted for the two proposed houses. However, it did not make reference to the treatment system serving the existing house on the site. A site visit was carried out and it would appear the septic tank and percolation area serving the existing house is overlapping with the proposed treatment system and percolation area serving House A.

In order to fully assess this application details of the septic tank serving the existing house must be provided. This must include;

- The applicant is requested to clearly demonstrate that the existing wastewater treatment system is working adequately; supporting documentary evidence from a suitably qualified person should be submitted. If the existing wastewater treatment system is not working adequately, details of a proposed new wastewater treatment system together with a site suitability assessment, completed by a suitably qualified person, should be submitted. The applicant is advised that only site assessments and Site Characterisation forms completed in accordance with the Code of Practice on Domestic Waste Water Treatment Systems issued by Environmental Protection Agency 2021 will be accepted by South Dublin County Council.*
- The separations distances from the current waste water treatment system and the proposed waste water systems must be included. This is to ensure they are in compliance with Table 6.2 of the Code of Practice on Domestic Waste Water Treatment Systems issued by*

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Environmental Protection Agency 2021 which outlines minimum separation distances from domestic waste water treatment systems.

While the report from the EHO is noted onsite waste water systems are not acceptable to the Planning Authority and contrary to the proper planning and sustainable development of the area. Each dwelling is required to be individually serviced and it is the view of the Planning Authority that connection to a mains sewer should be investigated and prioritised.

Section 11.6.1 states that the provision of private waste water treatment facilities, other than single house systems, will be strongly discouraged and all new developments will be required to utilise and connect to the public wastewater infrastructure, where practicable. **The applicant should be requested to address this via additional information.** The applicant should also consult with the H.S.E. Environmental Health Officer to address their requirements for waste water if a treatment system is to remain on site.

Screening for Environmental Impact Assessment

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

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. **Further information in regard to the ecology of the site is required to assess the development. Depending on this, a Stage 2 Appropriate Assessment may be required.**

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, would not seriously injure the ecology and amenities of the site, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

Request Additional Information.

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Additional Information

Additional Information was requested on the 18th of January 2022.

Additional Information was received on the 23rd of May 2022 (not deemed significant).

Additional Information Consultations

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Roads Department – no roads related additional information requested.

Public Realm Section – recommend refusal.

H.S.E. Environmental Health Officer – no objection subject to conditions.

Assessment

Item 1 Requested

It does not appear that the applicants are the owners of the site, and no letter of consent has been submitted. The applicant is requested to submit a letter of consent from the owner of the site.

Applicant's response:

The applicant has submitted a letter of consent from the owners of the site consenting the applicant to apply for this planning permission.

Assessment:

It is therefore considered that this item has been satisfactorily addressed.

Item 2 Requested

The applicant is requested to submit the following:

- (a) A detailed landscape design rationale and comprehensive and detailed landscape proposals prepared by a qualified Landscape Architect, for the written agreement of the Public Realm Section. Such proposals shall include a scaled landscape plan(s) with cross sections, showing the layout and hard and soft treatment of all boundaries, features, external areas, and green spaces. The 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 and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause.*
- (b) An Ecological Impact Assessment including a Bat Survey by a suitably qualified expert.*
- (c) A detailed Tree Survey Report, Arboricultural Impact Assessment Report and Tree Protection Plan by a suitably qualified expert.*
- (d) Proposals for the use of SUDS, in line with relevant County Development Plan policies on green infrastructure and surface water drainage in new developments. The current drainage scheme does not fully comply with the objectives of the development plan in terms of Green Infrastructure or as regards the proper implementation of SUDS. The term Green Infrastructure is used to describe an interconnected network of waterways, wetlands, woodlands, wildlife habitats, greenways, parks and*

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conservation lands, forests and other open spaces that adjoin and are threaded through urban areas. The Green Infrastructure network supports native plant and animal species and provides corridors for their movement, maintains natural ecological processes and biodiversity, sustains air and water quality, and provides vital amenity and recreational spaces for communities, thereby contributing to the health and quality of life of residents and visitors to the County. A drainage system needs to be developed for the development which sustainably manages surface water through a natural hydrological regime or SUDS scheme within the development. The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement. SUDS features to be incorporated into the proposed drainage system for the development include; natural swales, integrated tree pits, bio retention areas, rain gardens, green roofs, permeable paving etc. (e) An Alien Invasive Plant Species Survey Report by a suitably qualified expert.

Applicant's response:

Landscape plan prepared by Gannon + Associates Landscape Architects

Appropriate Assessment Screening and Ecological Impact Assessment prepared by Kerry Ecological Services

Bat survey for adjacent lands submitted.

Tree Survey Report, Arboricultural Impact Assessment Report for adjacent lands submitted.

Assessment:

It is considered that insufficient information has been submitted in relation to the impact of the proposed development on existing ecology and trees on the subject site. The Public Realm Section have reviewed the additional information submitted and recommend that permission is refused due to insufficient setback from Whitechurch Stream, insufficient information on the impact on existing trees and protection and enhancement of green infrastructure. Their full report is provided below.

Insufficient information has been provided to determine the appropriate setback from the Whitechurch Stream. It is stated in the submitted Ecological Impact Assessment that the adjacent stream and woodland habitats on site have greater ecological value (than the amenity grassland habitat). The Ecological Impact Assessment report states that only the amenity grassland habitat would be impacted and that the stream and woodland habitats would not be directly impacted. However, the landscape proposals show that new trees are proposed in the northern edge of the site. There are existing trees and vegetation in this area of the site, at the edge of the stream, that would seemingly have to be removed to cater for the proposed new landscaping. It seems that this is also a result of the proposed cellular storage for House B being installed in this location.

The submitted tree survey for the adjacent lands does not survey the subject site. So, it is unknown what, if any, trees are proposed for removal or how they are impacted. The proposed landscaping in the north of the site might impact existing trees. The Planning Authority also has concerns in relation to the proximity of the proposed treatment systems to the existing trees and vegetation along the western boundary. The layout should be revised so that the existing tree and vegetation, especially along the stream and western boundaries, are retained as appropriate. A Tree Survey

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Report, Arboricultural Impact Assessment Report and Tree Protection Plan should be provided for the subject site. **This should be addressed via clarification of additional information.**

The study area in the submitted bat survey report does not include the subject site. The Ecological Impact Assessment states a site survey was undertaken in March 2022. This assessment states that the large trees along the north-western boundary could harbour occasional roosting bats and that it is also quite possible that bats forage along the watercourse and woodland corridors. It is noted that the site survey was not undertaken at the appropriate time of the year for surveying bat activity. **A bat survey of the subject site at the appropriate time of year should be submitted via clarification of additional information.**

For clarity, Public Realm's report is stated as follows:

The Public Realm Section would have concerns regarding the above application and its potential impact on the Whitechurch Stream and associated blue/green infrastructure considering the close proximity of the proposed structures (two 2 storey dwellings) to this important water course. In addition, the Public Realm Section would also have concerns as to the potential impacts of this proposed development on the existing trees, ecology, and associated biodiversity within the subject site. As Such the Public Realm Section recommends REFUSAL of this application.

Existing Trees and Green Infrastructure

The subject site contains a large number of existing mature trees and the Whitechurch Stream flows along the eastern boundary of the site and as such the site would be considered of high biodiversity and ecology value. The proposed development will have a negative impact on the existing mature trees, local biodiversity, and ecology and on the Green/Blue Infrastructure of the site.

Proximity of Development to the Whitechurch Stream

The applicant has shown a 10m stream set back within the submitted Architectural Design Statement and Planning Report, however it is not clear from this Report if the proposed Two, 2 storey dwellings are outside of this 10m set back. In addition, the applicant has proposed that an access driveway to the new dwellings is to be located within the proposed 10m stream set back - this is not acceptable to the Public Realm Section. The location/proximity of the proposed Two, 2 storey dwellings and the proposed new driveway to the Whitechurch Stream contravenes Planning Policy G3 Objective 2 of the CDP 2016-2022 - G3 Objective 2; "To maintain a biodiversity protection zone of not less than 10 metres 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."

Arboricultural Impact

The applicant has not provided any information as to the impacts of the proposed development on the existing trees within the development area. The applicant should submit a tree survey report for the trees within the proposed development area. This tree survey should be undertaken by a suitably qualified arborist. The report should provide detailed information on the condition and health of the existing trees and should also provide an arboricultural impact assessment.

Record of Executive Business and Chief Executive's Order

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 REFUSAL based on the following:

1. Proximity of Development to the Whitechurch Stream

The location/proximity (<10m) of the existing structures for retention to the Whitechurch Stream contravenes Planning Policy G3 Objective 2 of the CDP 2016-2022 - G3 Objective 2; "To maintain a biodiversity protection zone of not less than 10 metres 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."

2. Arboricultural Impact of the Proposed Development

The applicant has provided insufficient information as to the impact of the proposed development on the existing trees contained within the development site - This is not acceptable to the Public Realm Section; and would contravene policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 and other GI policies and objectives in the CDP.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

3. Impact of Development on Green Infrastructure

The Public Realm Section considers that the proposed development is contrary to Policy G6 - "It is the policy of the Council to support the protection and enhancement of Green Infrastructure in all new development in urban areas, to strengthen Green Infrastructure linkage across the wider urban network and to achieve the highest standards of living and working environment" and G6 Objective 1 and G6 Objective 2 and G6 Objective 3 in the County Development Plan.

Notwithstanding the recommendation from Public Realm, given that residential development is permitted in principle, it is considered that the applicant should be given the opportunity to address these concerns via **clarification of additional information**. Surveys should be provided for the subject site and the layout revised to ensure existing trees and vegetation are appropriately retained.

Item 3 Requested

The applicant is requested to submit the following:

(a) A drawing showing the surface water layout for the proposed development to include the point of connection to proposed soakaways.

(b) A report and drawing showing what SuDS (Sustainable Drainage Systems) are proposed in the development. Examples of SuDS include, permeable paving, green roofs, and other such SuDS.

(c) Include water butts in proposed development as part of SuDS.

Applicant's response:

Documentation and drawings prepared by McCrae Consulting Engineers and Traynor Environmental Ltd have been submitted.

Record of Executive Business and Chief Executive's Order

Assessment:

Water Services have reviewed the additional information submitted and have no objection subject to conditions. This includes to include water butts as part of the development. As per the above item, the proposed cellular storage for House B should be moved away from the existing tree and vegetation buffer along Whitechurch Stream. This revision should be assessed by Water Services.

Item 4 Requested

(a) Section 11.6.1 of the South Dublin County Development Plan 2016-2022 outlines that the provision of private waste water treatment facilities, other than single house systems, will be strongly discouraged and all new developments will be required to utilise and connect to the public wastewater infrastructure, where practicable. In relation to foul disposal, it is noted that the dwellings are to be supported by onsite wastewater treatment systems. This is generally unacceptable to the Planning Authority in particular at this location due to the proximity to water courses. It is the view of the Planning Authority that connection to a mains sewer should be investigated and prioritised.

(b) A site assessment has been submitted for the two proposed houses. However, it did not make reference to the treatment system serving the existing house on the site. A site visit was carried out and it would appear the septic tank and percolation area serving the existing house is overlapping with the proposed treatment system and percolation area serving House A. In order to fully assess this application details of the septic tank serving the existing house must be provided.

(i) The applicant is requested to clearly demonstrate that the existing wastewater treatment system is working adequately; supporting documentary evidence from a suitably qualified person should be submitted. If the existing wastewater treatment system is not working adequately, details of a proposed new wastewater treatment system together with a site suitability assessment, completed by a suitably qualified person, should be submitted. The applicant is advised that only site assessments and Site Characterisation forms completed in accordance with the Code of Practice on Domestic Waste Water Treatment Systems issued by Environmental Protection Agency 2021 will be accepted by South Dublin County Council.

(ii) The separations distances from the current waste water treatment system and the proposed waste water systems must be included. This is to ensure they are in compliance with Table 6.2 of the Code of Practice on Domestic Waste Water Treatment Systems issued by Environmental Protection Agency 2021 which outlines minimum separation distances from domestic waste water treatment systems.

Applicant's response:

Documentation and drawings prepared by McCrae Consulting Engineers and Traynor Environmental Ltd have been submitted.

A letter from the owner of the adjoining lands states that as part of their proposed development they will facilitate a foul sewer connection to their proposed drainage network on Whitechurch Road and have reached agreement with the subject applicant to provide a connection to same at the shared vehicular access point.

Record of Executive Business and Chief Executive's Order

Assessment:

It is not clear from the documentation submitted what consideration has been given for a connection to the mains sewer. There is the letter from the owner of the adjoining lands stating that a connection can be facilitated through their development. However, this development is still under consideration and therefore this connection cannot be guaranteed. It is noted that the public wastewater infrastructure does not extend down Whitechurch Road close to the site. It is therefore acknowledged that a connection to the mains sewer is not practicable at this time.

The H.S.E. Environmental Health Officer advise that the additional information is acceptable subject to conditions including to control noise, air quality, installation, and operation of wastewater treatment systems in accordance with submitted details, and maintenance contract for wastewater systems. The report from the H.S.E. EHO is noted.

Given the above it is considered that this item has been satisfactorily addressed.

Item 5 Requested

Further information with regard to the ecology of the site is required to assess the development in regard to screening for Appropriate Assessment. Depending on this, the applicant should consider whether a Stage 2 Appropriate Assessment may be required.

Applicant's response:

An Appropriate Assessment Screening report prepared by Kerry Ecological Services has been submitted.

Assessment:

As stated above, insufficient information has been submitted in relation to the ecology of the site and potential impact on Whitechurch Stream.

Conclusion

While the principle of residential development on the site is acceptable **Clarification of Additional Information** is required in relation to the impact of the proposal on existing ecology and trees on the subject site.

It is noted that the additional information was requested by South Dublin County Council on the 18th of January 2022. This allows for until the 18th of July 2022 to submit clarification of additional information. It is noted that the Planning and Development Regulations, as amended, provides for the extension of this time period, which the applicant might request to allow for enough time to address the above concerns.

Record of Executive Business and Chief Executive's Order

Recommendation

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

1. Insufficient information has been submitted in relation to the impact of the proposed development on existing ecology and trees on the subject site as requested under Additional Information Item 2:
 - (a) The submitted tree survey for the adjacent lands does not survey the subject site. So it is unknown what, if any, trees are proposed for removal or how they are impacted. The proposed landscaping in the north of the site might impact existing trees. The Planning Authority also has concerns in relation to the proximity of the proposed treatments systems to the existing trees and vegetation along the western boundary. The layout should be revised so that the existing tree and vegetation, especially along the stream and western boundaries, are retained as appropriate. A Tree Survey Report, Arboricultural Impact Assessment Report and Tree Protection Plan should be provided for the subject site.
 - (b) The study area in the submitted bat survey report does not include the subject site. The Ecological Impact Assessment states a site survey was undertaken in March 2022. This assessment states that the large trees along the north-western boundary could harbour occasional roosting bats and that it is also quite possible that bats forage along the watercourse and woodland corridors. It is noted that the site survey was not undertaken at the appropriate time of the year for surveying bat activity. A bat survey of the subject site by a suitably qualified expert at the appropriate time of year should be submitted.


Comhairle Chontae Atha Cliath Theas

PR/0774/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0307

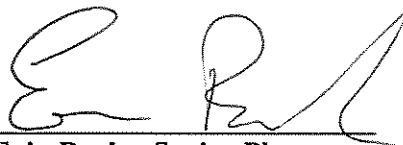
LOCATION: Lynbrook, Whitechurch Road, Rathfarnham, D16T2P7



Jim Johnston,
Senior Executive Planner

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

Dated: 20/6/22



Eoin Burke, Senior Planner