

Comhairle Chontae Atha Cliath Theas

PR/1023/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0126

Application Date: 28-Apr-2022

Submission Type: Additional
Information

Registration Date: 14-Jul-2022

Correspondence Name and Address:

Paul Moran, CDP Architecture 4, The Mall Street,
Lucan Village, Lucan, Co. Dublin, K78 V9R6

Proposed Development:

Modifications to previously granted SD18A/0053 consisting of external and internal alterations to previously granted development of 2 three-storey buildings (linked at first and second floor levels), increase in area to (total of 6077.2sq.m gross floor area (including one basement level of 1,922sq.m gross floor area) accommodating 38 apartments, including alterations proposed to the previously permitted unit mix, resulting in an overall increase of 6 units in total, i.e. from 2 one-bed; 28 two-bed; 2 three-bed (32 units) to now provide 6 Studio; 9 one bed; 23 two-bed (38 units); no additional floor is proposed, building remains at 3 storeys in height. Increase in the number of car parking spaces from 40 to 44 at basement level (no change to parking on Loreto Terrace). No change is proposed to SuDS, drainage, landscaping or site development works as granted under Reg. Ref. SD18A/0053.

Location:

Junction of Grange Road, Nutgrove Avenue and Loreto Terrace Rathfarnham, Dublin , 14.

Applicant Name:

First Step Homes Ltd.

Application Type:

Permission

(CM)

Description of Site and Surroundings

The site has a frontage of 24 m approximately along Nutgrove Avenue and 48 m approximately along Loreto Terrace. It comprises a level area of land under unkempt grass which is fenced and unoccupied. A footpath runs along the edge of the site. The site is bounded directly to the south and east by a mixture of single storey and two storey dwellings. The junction between Grange Road and Nutgrove Avenue is signal controlled. To the west of the site is a car park.

Site Area: Stated as 0.2638 Ha.

Site Visit: 14th June 2022

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Proposal

Modifications to previously granted SD18A/0053 consisting of external and internal alterations to previously granted development of 2 three-storey buildings (linked at first and second floor levels), increase in area to (total of 6077.2sq.m gross floor area (including one basement level of 1,922sq.m gross floor area) accommodating 38 apartments, including alterations proposed to the previously permitted unit mix, resulting in **an overall increase of 6 units** in total,

- from 2 one-bed; 28 two-bed; 2 three-bed (32 units)
- to 6 Studio; 9 one-bed; 23 two-bed (38 units);
- no additional floor is proposed, Building remains at 3 storeys in height.

Increase in the number of **car parking spaces from 40 to 44** at basement level (no change to parking on Loreto Terrace).

No change is proposed to SuDS, drainage, landscaping, or site development works as granted under Reg. Ref. SD18A/0053.

Zoning:

'RES' – "To protect and/or improve residential amenity."

SEA Environmental Sensitivity Screening

No overlap with the relevant layers.

Consultations

Roads	Requests Additional Information.
Public Realm	No objection, subject to conditions.
Environmental Services	Requests Additional Information.
Irish Water	Requests Additional Information.
Housing	No response received at time of writing.

Submissions/Observations/Representations

A submission has been received from a third party. This raises the following concerns in summary:

- Proposed increase in height has not been adequately described. Concerns in regard to increase in height and impact on existing residential development.
- Concerns in relation to the increase in floor area, changes in unit mix, and depletion in the standard of external finishes.
- Conflicting site dimensions between the proposed drawings and previously granted drawings.

This submission has been reviewed in full and taken into consideration in the assessment of this application.

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Planning History

Subject Site

SD18A/0053 (ABP-303184-18)- Permission **granted** by An Bord Pleanála, following a decision to grant permission by South Dublin County Council, for the following: Construction of 2 three-storey buildings (linked at first and second floor levels) (4,931sq.m gross floor area, including one basement level of 1,730sq.m gross floor area) accommodating: 32 apartments (2 one-bedroom; 28 two-bedroom; and 2 three-bedroom); ancillary space including circulation cores (lifts and stairs), plant areas throughout the building etc.; and an ESB sub-station and associated switch room (22sq.m). The development will also consist of the provision of: private, semi-private and communal open spaces in the form of balconies, terraces and a central landscaped courtyard; a new vehicular entrance from Loreto Terrace; a vehicular ramp providing access to basement level; car parking (40 spaces at basement level and 3 spaces on Loreto Terrace); bicycle parking (48 spaces at basement level); tenant storage; the repositioning of an ESB pole on Grange Road; a 1.5m footpath to the north-west of the site; diversion of existing drainage pipes; plant enclosures at roof level including lift over-runs; waste compounds/stores/recycling centres; SuDS measures including attenuation tank; all hard and soft landscaping; elevational treatments; lighting; signage; and all other associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary treatments and associated site servicing (foul and surface water drainage and water supply). The development proposed is a variation on that permitted under Reg: SD07A/0540 (as extended under Reg. Ref. SD07A/0540/EP).

SD07A/0540- Permission granted for A mixed use development to include: 24 no. two bed apartments all with balconies, 234sqm medical centre and a 257sqm retail unit at ground level, an ESB sub-station and associated switchroom (21sqm) all arranged in 2 no. 3 storey blocks with arched link between, all over basement car park; landscaped courtyard; new vehicular entrance from Loreto Terrace; diversion of existing drainage pipes; boundary walls and fences; and all associated site and landscaping works all on a site of 0.2595ha.

SD07A/0540/EP- Extension of duration of permission granted. Expiry Date: 20th February 2018.

SD06A/1021: Permission refused for 6 retail units at ground floor with a stated total floor area of 726sq.m, a medical centre at first floor with a stated floor area of 493sq.m and 33 apartments (including 5no. 1 bedroom apartments and 28no. 2 bedroom apartments) all arranged in a single block ranging in height from 1 storey to 4 storey over a two storey basement car park. Vehicular access to the site would be from Loreto Terrace.

S00A/0885: refers to a grant of permission for the erection of a three storey nursing home and medical consultancy centre. This decision was upheld on appeal to An Bord Pleanála (06S.124019).

S97A/0689 (PL06S.105404) application by Rathfarnham Medical Centre for permission to develop 24 two-bedroom apartments in two two-storey blocks with ancillary car parking was granted permission by planning authority and upheld on appeal.

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S96A/0434 (PL06S.100735) permission was refused by planning authority and upheld on appeal to An Bord Pleanála for a development comprising the construction of 30 apartments over three floors with ancillary car parking on the appeal site. The reason for refusal was that the proposed apartment block was considered to be out of character with the scale, mass and height of the development previously permitted on the site and the established domestic scale and character and development in the area. The proposed development was considered to be unduly obtrusive, would injure the visual amenities of the area and would therefore be contrary to the proper planning and development of the area.

S95A/0148 (PL06S.097300) application made by Rathfarnham Medical Centre Limited was refused by planning authority and upheld on appeal for the construction of 36 apartments over three floors with ancillary car parking. The reason for refusal was that it was considered that the development would be unduly obtrusive and would injure the visual amenities of the area contrary to the proper planning and development of the area.

89A/0764: (PL6/5/08588) permission granted to the Rathfarnham Medical Centre Limited for a development comprising a nursing home and medical consultancy centre at the junction of Grange Road, Nutgrove Avenue and Loreto Terrace by planning authority and upheld on appeal. This proposal was the exact same as that proposed under Reg. Ref. S00A/0885.

88A/0453: (PL6/5/76548) refers to an application by Rathfarnham Medical Centre Limited for permission to erect a nursing home and medical consultancy centre was refused permission by the Planning Authority. An appeal to An Bord Pleanála against the decision of the Planning Authority but this was withdrawn.

Enforcement History

No recent relevant enforcement history recorded.

Relevant Policy

National Policy

The relevant policy documents are detailed below. The Planning Authority are of the opinion that of most significant relevance is the National Planning Framework (NPF). In this regard, National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of 'Compact Growth'. The NPF states,

‘From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people.’

The NPF indicated that the delivery of compact growth will be through National Policy Objective 2a, which states,

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‘A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.’

and National Policy Objective 3a, which states,

‘Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.’

The National Planning Framework also includes a specific Chapter, No. 6, entitled ‘People, Homes, and Communities’. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Other Ministerial Guidelines and Policy

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Rebuilding Ireland: Action Plan for Housing and Homelessness, Government of Ireland (2016).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, Department of the Environment, Heritage, and Local Government, (2008).

Urban Development and Building Heights Guidelines for Planning Authorities, (2018)

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

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

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage, and Local Government, (2009).

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

Departmental Circulars, Department of Housing, Planning and Local Government (2020) – as listed:

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy
- Circular NRUP 02/2021 - Residential Densities in Towns and Villages

Circular Letter NRUP 03/2021 – s.28 Guidelines on the Regulation of Institutional Investment in Housing

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Policy CS1 Consolidation Areas within the Gateway

Policy CS2 Metropolitan Consolidation Towns

Policy CS3 Emerging Moderate Sustainable Growth Town

Policy CS4 Towns and Villages

Policy H3 Housing for Older People

Policy H4 Student Accommodation

Policy H6 Sustainable Communities

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policy H10 Mix of Dwelling Types

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Section 2.3.0 Quality of Residential Development

Policy H11 Residential Design and Layout

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It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Public Open Space

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity, and amenity of the area.

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Section 3.2.0 Community Facilities

Policy C1 Community Centres

It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.

Section 3.13.0 Open Space Management & Use

Policy C12 Open Space

It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work, and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.

Section 6.3.0 Walking and Cycling

Policy TM3 Walking and Cycling

It is the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation by prioritising the development of walking and cycling facilities within a safe and traffic calmed environment.

Section 6.4.3 Road and Street Design

Policy H12

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It is the policy of Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.

Section 6.4.4 Car Parking
Policy TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater
Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

Section 7.2.0 Surface Water & Groundwater
Policy IE2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 7.3.0 Flood Risk Management
Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Section 7.8.0 Aerodromes & Airports
Section 7.8.1 Casement Aerodrome
Policy IE8 Casement Aerodrome

IE8 Objective 2 (C)

Protect runway 05 as a Code 3 subsidiary visual approach runway due to the land contours in the area and prevent objects from penetrating the relevant approach, transitional, inner horizontal and conical limitation surfaces for a visual approach runway in accordance with Section 3.13 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015). The extent of the lands under the runway approach surface whereby no development is allowed for runway 05 (Rathcoole end) is shown on the Development Plan maps (i.e., 1,100 metres) and the ICAO standards will not prejudice the development of zoned lands in Rathcoole.

Section 8.0 Green Infrastructure
Policy G1 Overarching
Policy G1 Green Infrastructure Network
Policy G3 Watercourses Network
Policy G4 Public Open Space and Landscape Setting
Policy G5 Sustainable Urban Drainage Systems
Policy G6 New Development in Urban Areas

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Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 10.0 Energy

Policy E4 Energy Performance in New Buildings

Section 11.2.0 Place Making and Urban Design

Section 11.2.1 Design Statements

Section 11.2.2 Masterplans

Table 11.17: Masterplan Considerations

Section 11.2.7 Building Height

Section 11.3.1 Residential

(i) Mix of Dwelling Types

(i) Residential Density

(ii) Public Open Space/Children's Play

(iii) Dwelling Standards

(iv) Privacy

(v) Dual Aspect

(vi) Access Cores and Communal Areas

(vii) Clothes Drying Facilities

Table 11.20: Minimum Space Standards for Houses

Table 11.21: Minimum Space Standards for Apartments

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Section 11.4.3 Car Parking for Electric Vehicles

Section 11.4.4 Car Parking Design and Layout

Section 11.4.5 Traffic and Transport Assessments

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

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Section 11.8.2 Appropriate Assessment

Development Details

	Permitted SD18A/0053	Proposed
Gross Site Area (Ha.)	0.26	0.26
Permitted (SD18A/0053)		
No. of Permitted Units	32	38
Studio	0	6
1-Bed	2	9
2-Bed (3 person)	0	9
2-Bed (4 person)	28	14
*There is some uncertainty regarding the classification of some 2-bed units as 2-bed, 3-person units by the applicant, and as to whether this is an appropriate description of units of the size proposed.		
3-Bed	2	0
Net Internal Area (Apts only)	2,701	2,619
Gross Floor Area	4,931	6,077
Gross Floor Area (Excl. Basement)	3,201	4,155
Residential Density (DpH)	123	146

Assessment

The main issues for consideration are:

- Zoning and Council Policy
- Visual Impact and Residential Amenity
 - Building Height
 - Overlooking and Loss of Privacy
 - Materials
- Internal Residential Amenity
 - 2020 Apartment Standards and Safeguarding Higher Standards
 - 2-Bed, 3-Person units
 - Aspect
 - Sunlight and Daylight
- Public Realm
- Access, Transport and Parking
- Water Services
- Period of Permission
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

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Zoning and Policy

The 'RES' zoning objective seeks "to protect and/or improve residential amenity." The permitted residential use is permitted in principle in 'RES' zones.

Residential Density and Infill Development

The proposed density on the site is 123 dph, on a site of 0.26 Ha. Given that this is infill development which is generally within the envelope of a permitted building, it is considered appropriate to concentrate on the visual impact and residential standards of the proposed alterations to the permitted scheme.

Visual Impact

The proposed development is broadly within the built envelope of the permitted scheme and so the visual impact of the proposal should not be major. In 3 key areas, however, there are issues that need to be addressed and this can be done by way of **additional information**.

Building Height

The proposal would raise the building's parapet height by approx. 0.5 metres. The applicant's drawings are labelled to suggest that the prior permitted parapet height was 60.35m OD, but this would appear to be referring to a lift overrun. The applicant should provide a rationale for the proposed increase in height – why is it necessary – by way of **additional information**.

Privacy and Overlooking

Apartments 37 and 38 are sited generally where apartment 201 was located in the permitted scheme. The south-west facing balcony of apt. 201 has been replaced with two south-east facing balconies on the south-east elevation of the building, facing the site boundary with 1A Loreto Terrace. It is inappropriate to have balconies at second floor level in this location due to the risk of **overlooking and loss of privacy**. The applicant should be directed to alter these proposals by way of **additional information**.

Material Treatment

The applicant has proposed a new palette of materials to treat the exterior of the building. In general terms, the brick panel finish is removed from the 2nd floor level and replaced with cement render with painted finish; vertical timber panels have been replaced with vertical aluminum panels; clear glass guarding to balconies railings is replaced with vertical steel railing. The applicant should provide a Building Life Cycle Report, or an update to any previous report, noting the benefits of the proposed material treatment vis a vie reliability and cost of maintenance going forward. This can be submitted by way of **additional information**.

Residential Amenity

'Sustainable Urban Housing: Design Standards for New Apartments' (2020)

The proposed reconfigured units comply with the minimum sizes provided for in the 2020 guidelines. Studios and 1-beds account for 14 no. units out of a total proposed of 38 units; and this complies with the mix provided for in SPPRs 1 and 2 of the 2020 guidelines.

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The scheme appears to comply with the 'Safeguarding Higher Standards' requirements contained in section 3 of the 2020 guidelines, in particular section 3.12 which allows for smaller developments such as this one to spread a 10% improvement on the minimum unit sizes across the entire development. The net internal floor area of the proposed units is 2,619 sqm, compared to a requirement of 2,465 sqm under section 3 of the guidelines. This is acceptable.

2-Bed, 3-Person units

There are 10 units identified by the applicant as being '2-bed, 3-person' units. Section 3.7 states that no more than 10% of a scheme should be 2-bed, 3-person units, therefore the maximum in this case would be 3 such units.

It should be noted that a number of the units are labelled as 2-bed, 3-person units, despite complying with or almost complying with the standard for 2-bed, 4-person units. These are units 12, 14, 19, 20, 25, 27, 32 and 33. They have been assessed as 2-bed, 4-person units for the purposes of assessing the scheme against 'Safeguarding Higher Standards' above.

The applicant should therefore reconfigure those units numbered above (12, 14, 19, 29, 25, 27, 32 and 33) to ensure they meet the standards of 2-bed, 4-person units and this can be achieved by way of **additional information**.

In terms of the remaining 2-bed, 3-person units (unit nos. 2 and 8), it is considered acceptable that these be provided in an infill development, notwithstanding the lack of appropriate rationale for their inclusion in the scheme as per sections 3.5, 3.6 and 3.7 of the 2020 guidelines.

Aspect

The proposed development includes a number of north-facing single aspect units (units 2, 12, 14, 25 and 27). The applicant should reconsider and reconfigure the layout to avoid the use of north-facing single aspect units. This can be an item of **additional information**.

Sunlight and Daylight

The reconfigured units are provided with a variety of shapes and layouts. There is concern regarding some of the units, in terms of levels of sunlight and daylight. The applicant should supply a Sunlight and Daylight Analysis by way of **additional information** which should assess the scheme against the BS EN 17037 standard.

The units of concern are:

- Units 9, 22 and 35 are long, narrow, single-aspect studio units. There is concern that the 'no sky line' and internal light levels would not be adequate.
- A number of single aspect units at ground level appear to be sited under an overhang at first floor. There is concern that the 'no sky line,' vertical sky component, and internal light levels, would indicate insufficient lighting to habitable spaces. This applies to units 2, 3, 4, 5, 7, 8, 9 and 10.

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- Unit 26 is provided with opaque glazing along one side which would be ok, but for the subdivision of the living space and lack of any view from the only window serving the main living area. This is not considered to be an appropriate treatment for a habitable room. Unit 26, which is provided in place of permitted unit 211, should be reconfigured to maximise the unobstructed light to living areas.

Public Realm

The Public Realm Department has stated no objection to the proposed development. It is noted that the applicant is going through compliance for the existing permission, SD18A/0053, and agreement is to be reached with the Planning Authority regarding landscaping at the site, as per condition 4 of the Board's decision.

Access, Transport and Parking

The SDCC Roads Department has requested **additional information** in relation to parking, fire access and refuse vehicle access.

The Roads Report calculates that the maximum parking allowance at this site is 35 spaces. The applicant should revise their basement car park plans by way of **additional information** to adhere to the maximum standards found in table 11.24 of the South Dublin County Development Plan 2016 – 2022. Provision of additional bulky storage areas at basement level would be a welcome replacement for car parking spaces and would improve the residential amenities available for prospective residents.

In terms of access for larger vehicles, the applicant should show how they are compliant with the relevant regulations, to the extent that they would receive a fire safety certificate for the proposed layout. Plans should show, using swept path analysis, how fire tenders can access the site if required. This is an item for **additional information**. The applicant should have cognisance of DMURS section 4.3.3 and the occasional access requirements for larger vehicles.

The applicant should also show by way of **additional information** how it is expected that refuse will be collected from the site and if bin lorry access is required on the site, provide swept path analysis showing that this is possible. The applicant should have cognisance of DMURS section 4.3.3 and the occasional access requirements for larger vehicles.

The Roads Report also raises the issue of ECV charging spaces. The applicant should address this concern, noting that SDCC typically seeks that 10% of parking spaces are provided with charging facilities initially, and that 100% of the spaces are made capable of being fitted with charging facilities in the future. This is an item for **additional information**.

Water and Drainage

The Environmental Services and Irish Water reports seek additional information on the basis of drainage layouts and, in particular, the diversion of the surface water pipe on the site. Such matters were dealt with explicitly in SDCC's conditions in relation to SD18A/0053, but more opaquely in the conditions set down in the final decision by An Bord Pleanála. Final agreement on the diversion

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of the pipe through the site should be the subject of a **condition of permission** as part of this development.

Public Housing

The Housing Department has submitted a report. The preference of the council is to acquire units on site, and subject to a revised proposal being agreed with the applicant. The details should be agreed by **condition** in the event of a grant of permission.

Scope of Permission

This is an application for alteration of an existing permission. The final permission should specify, by **condition**, that this permission will expire upon the expiry of permission SD18A/0053, subject to any extension thereof.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of modifications to a residential scheme.

Having regard to:

- the small scale of the development, being an alteration of a permitted scheme,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Screening for Environmental Impact Assessment

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

Conclusion

There are a number of issues for which the council requires additional information prior to a grant of permission.

Recommendation

Request Additional Information.

Additional Information

Additional information was requested on 22nd June 2022 and received on 14th July 2022.

Further Consultations

Roads (Verbal)

Requests Clarification of Additional Information.

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Further Submissions

None.

Assessment of Additional Information

Item 1

Building Height.

(a) The proposal would raise the building's parapet height by approx. 0.5 metres. The applicant's drawings are labelled to suggest that the prior permitted parapet height was 60.35m OD, but this would appear to be referring to a lift overrun. The applicant should provide a rationale for the proposed increase in height – why is it necessary – by way of additional information.

(b) The increase in parapet height should be noted in revised notices.

Response

The applicant has provided an explanation that the increase in height is necessary due to the now-proposed approach of modular construction, which increases the overall floor-to-floor height of each storey of development.

Assessment

This is acceptable. The 0.5m increase should not by itself create an unacceptable visual impact.

Item 2

Privacy.

Proposed Apartments 37 and 38 are sited generally where apartment 201 was located in the permitted scheme. The south-west facing balcony of apt. 201 has been replaced with two south-east facing balconies on the south-east elevation of the building, facing the site boundary with 1A Loreto Terrace. It is inappropriate to have balconies at second floor level in this location due to the risk of overlooking and loss of privacy. The applicant should be directed to alter these proposals by way of additional information.

Response

Revised drawings have been provided with balconies relocated. The balconies shall have views to the south-east through louvers and at a sufficient separation distance.

Assessment

Response is adequate.

Item 3

Material Treatment.

The applicant should provide a Building Life Cycle Report, or an update to any previous report, noting the benefits of the proposed material treatment vis a vie reliability and cost of maintenance going forward. This can be submitted by way of additional information.

Response

The applicant has provided a building Life Cycle Report.

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Assessment

The Building Life Cycle Report contains a number of considerations and specifications which may be implemented to reduce maintenance costs into the future. A **condition** should be considered by which the Life Cycle Report should be updated with final specifications relating to building materials and methods being agreed prior to construction, and specifications relating to fixtures and appliances being agreed prior to completion / occupation of the units. The response is adequate.

Item 4

2-Bed, 3-Person Units.

The applicant is advised that as per section 3.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), a maximum of 10% of any scheme should be 2-bed, 3-person units. In this case, that is a maximum of 3 units.

The applicant is additionally advised that in the case of units 12, 14, 19, 20, 25, 27, 32 and 33, the Planning Authority has noted that these are compliant with, or in some cases very nearly compliant with, standards for 2-bed, 4-person units.

The applicant should therefore reconfigure those units numbered above (12, 14, 19, 29, 25, 27, 32 and 33) to ensure they meet the standards of 2-bed, 4-person units and this can be achieved by way of additional information.

Response

The applicant has revised the layouts so that the numbered units 12, 14, 19, 20, 27, 32 and 33 now meet the standard for a 2-bed, 4-person apartment.

Assessment

Other 2-bed, 3-person units remain in the scheme, but they do not add up to more than 10% of the total number of units. The response is acceptable.

Item 5

Aspect.

The proposed development includes a number of north-facing single aspect units (units 2, 12, 14, 25 and 27). The applicant should reconsider and reconfigure the layout to avoid the use of north-facing single aspect units. This can be an item of additional information.

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Response

The applicant has provided the following written response:

According to Chapter 13 of the Draft South Dublin County Development Plan 2022 – 2028, there shall be a minimum of 33% of dual aspect units required. The proposed development has a more than 60% dual aspect units.

Units 2, 14 & 27 are in the same positions as permitted units 009, 110 and 210. Moreover, unit 2 on the ground floor level is now provided with a box window to meet the daylight/sunlight requirements.

New south-east facing windows with translucent glazing have been proposed to units 12 & 25 to achieve dual aspect.

Assessment

Chapter 12 of the adopted South Dublin County Council Development Plan 2022 – 2028 relays the standards for dual aspect units contained in the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020). The number of dual aspect units is not in question, though it should be noted that the lower standard of 33% would not apply in this site as it is not in a central urban location.

The 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) also discourage the use of north-facing single-aspect units and provide criteria for exceptions (which are not met by this development). The guidelines state,

“Where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Particular care is needed where windows are located on lower floors that may be overshadowed by adjoining buildings.”

The improvements to units 12 and 25 are welcomed. It is not considered necessary to provide translucent glazing to the new window in unit 12 – a ground floor unit. The glazing can be agreed by **condition**.

The development is proposed on the site of a granted development; utilising newer apartment standards, the proposed development will achieve a higher density on the site. In this context, it is particularly important to establish that the proposed dwellings will meet those other standards contained in the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) relating to single-aspect units. These units should be reconsidered and either reconfigured or integrated with adjoining units to avoid having single aspect north-facing units in this development – in particular at ground level under overhanging features. The applicant should be requested to consider this under **clarification of additional information**.

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Item 6

Sunlight/Daylight.

The reconfigured units are provided with a variety of shapes and layouts. There is concern regarding some of the units, in terms of levels of sunlight and daylight. The applicant should supply a Sunlight and Daylight Analysis by way of additional information which should assess the scheme against the BS EN 17037 standard.

The units of concern are:

- Units 9, 22 and 35 are long, narrow, single-aspect studio units. There is concern that the 'no sky line' and internal light levels would not be adequate.
- A number of single aspect units at ground level appear to be sited under an overhang at first floor. There is concern that the 'no sky line', vertical sky component, and internal light levels, would indicate insufficient lighting to habitable spaces. This applies to units 2, 3, 4, 5, 7, 8, 9 and 10.
- Unit 26 is provided with opaque glazing along one side which would be ok, but for the subdivision of the living space and lack of any view from the only window serving the main living area. This is not considered to be an appropriate treatment for a habitable room. Unit 26, which is provided in place of permitted unit 211, should be reconfigured to maximise the unobstructed light to living areas.

Response

The applicant has provided a Sunlight and Daylight Assessment, prepared by CDP Architecture. The assessment report claims that the units mentioned above receive adequate daylight as per assessment of 'no sky line', vertical sky component, and internal light levels.

Assessment

There are a number of issues with the Sunlight and Daylight Assessment report.

- The 3D model referred to in the report is not shown, and it is not clear that balconies / overhangs have been taken into account in all assessments.
- Reference image 8 does not appear to back up the claim that each room assessed on the ground floor meets BRE requirements for a 'no sky line'; however, no legend is provided with the image.
- Despite the clarity of the request for additional information, the assessment submitted does not assess the development against the BS EN 17037 standard as it relates to internal light levels.
- ADF (Average Daylight factor) calculations are rounded to the nearest whole percentage, i.e., 1% or 2%. This allows for measures to be up to 50% short of the minimum target standard while still presenting as meeting the standard.

The development is proposed on the site of a granted development; utilising newer apartment standards, the proposed development will achieve a higher density on the site. In this context, it is particularly important to establish that the proposed dwellings will meet modern industry standards.

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Such standards should inform design and there should be transparency in how reports have arrived at their conclusions.

A revised Sunlight and Daylight Assessment should be provided to resolve the above issues, and this should be provided as **clarification of additional information**.

Item 7

Parking.

The Roads Report calculates that the maximum parking allowance at this site is 35 spaces. The applicant should revise their basement car park plans by way of additional information to adhere to the maximum standards found in table 11.24 of the South Dublin County Development Plan 2016 – 2022. Provision of additional bulky storage areas at basement level would be a welcome replacement for car parking spaces and would improve the residential amenities available for prospective residents.

Response

The applicant has reduced parking to 35 spaces and replaced excess spaces with bulky item storage. This is welcomed and the response is acceptable.

Item 8

Larger Vehicles.

(a) In terms of access for larger vehicles, the applicant should show how they are compliant with the relevant regulations, to the extent that they would receive a fire safety certificate for the proposed layout. Plans should show, using swept path analysis, how fire tenders can access the site if required. This is an item for additional information. The applicant should have cognisance of DMURS section 4.3.3 and the occasional access requirements for larger vehicles.

(b) The applicant should also show by way of additional information how it is expected that refuse will be collected from the site and if bin lorry access is required on the site, provide swept path analysis showing that this is possible. The applicant should have cognisance of DMURS section 4.3.3 and the occasional access requirements for larger vehicles.

Response

(a) The applicant has provided a fire tender swept path analysis showing access around the front of the site. A letter from a fire safety consultant has been provided stating that access to the rear is not necessarily due to the height of the building (<10m).

(b) The applicant has provided a refuse vehicle swept path analysis and an Operational Waste Management Plan. The proposal is that waste will be transferred from the basement level bin stores to the kerb at street level for pickup at an agreed time.

Assessment

(a) The response is acceptable. It would appear that nothing in the layout would preclude certification for fire safety.

(b) The Roads Department has advised that the Operational Waste Management Plan is not acceptable. The transfer of 1,100 L bins up the vehicular access ramp would appear to be the

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only path to the street, as there are no lifts or other features to accommodate bins of that size.

Pickup from the street is not ideal, and collection at basement level is much more preferable; on this basis the proposal to locate bin stores in the basement is appropriate, but it is unclear how waste collection at the development would function with the necessary transfer of bins to street level up a vehicular ramp with a blind bend.

The Roads Department has recommended that additional clarity is needed as follows:

“Applicant to:

- confirm bin sizes (shown as 1100 litres capacity on drawing)
- clarify how refuse bins will be brought from both bin lobbies to the street (via basement exit ramp or by lift)

If exit ramp option applicant to:

- provide a method statement and risk assessment
- state the number of operatives required to bring each bin from lobby to street
- provide an explanation as to how bins would be moved if ice had formed on the ramp in winter time”

As there is a lack of clarity over the functioning of the regular waste collection, the applicant should be requested to submit **clarification of additional information** to rectify this issue.

Item 9

Charging of Electric Vehicles.

The Roads Report also raises the issue of ECV charging spaces. The applicant should address this concern, noting that SDCC typically seeks that 10% of parking spaces are provided with charging facilities initially, and that 100% of the spaces are made capable of being fitted with charging facilities in the future. This is an item for additional information.

Response

The applicant has provided a letter from their engineers declaring their intent to provide 10% ECV spaces and to provide the necessary containment for EV chargers on all other spaces.

Assessment

The response is not ideal as a drawing would be preferred to specify the location of EV charging spaces, and the associated fixtures. This can however be agreed **by condition**.

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Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of modifications to a residential scheme.

Having regard to:

- the small scale of the development, being an alteration of a permitted scheme,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Screening for Environmental Impact Assessment

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

Conclusion

The applicant has provided an adequate response to most of the points raised by the Planning Authority. Issues remain however and the proposal requires some further reconsideration or clarification regarding the single aspect north-facing units, daylight levels in units, and the regular operation of waste collection.

Recommendation

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

1. Operational Waste Management.

In relation to Item 8(b) of the request for additional information, the applicant has proposed that bins will be collected at street level having been transferred from basement level bin stores. The development will provide for a wide public footpath at Loreto Terrace and so the collection at street level is not unacceptable in principle; however, it is unclear how bins are to be transferred there as the only path from basement level bin stores to the street is via the vehicular access ramp, which turns a blind corner.

(A) The Roads Department has requested that the following information is clarified:

- o confirm bin sizes (shown as 1100 litres capacity in drawings)
- o clarify how refuse bins will be brought from both bin lobbies to the street (via basement exit ramp or by lift)

If exit ramp option:

- o provide a method statement and risk assessment
- o state the number of operatives required to bring each bin from lobby to street
- o provide an explanation as to how bins would be moved if ice had formed on the ramp in winter time.

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(B) The applicant may comment on if direct collection from the basement has been considered and if so, why street level collection was considered to be favourable.

2. Single Aspect, North Facing Units.

The development is proposed on the site of a permitted development; utilising newer apartment standards, the proposed development will achieve a higher density on the site. In this context, it is particularly important to establish that the proposed dwellings will meet those other standards contained in the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) relating to single-aspect units. Units 2, 14 and 27 should be reconsidered, reconfigured or integrated with adjoining units to avoid having single aspect north-facing units in this development – in particular at ground level under overhanging features.

3. Lighting.

There are a number of issues with the Sunlight and Daylight Assessment report.

- The 3D model referred to in the report is not shown, and it is not clear that balconies / overhangs have been taken into account in all assessments.

- Reference image 8 does not appear to back up the claim that each room assessed on the ground floor meets BRE requirements for a 'no sky line'; however no legend is provided with the image.

- The assessment submitted does not assess the development against the BS EN 17037 standard as it relates to internal light levels.

- ADF calculations are rounded to the nearest whole percentage, i.e. 1% or 2%. This allows for measures to be up to 50% short of the minimum target standard while still presenting as meeting the standard. More accurate figures should be provided.

The development is proposed on the site of a granted development; utilising newer apartment standards, the proposed development will achieve a higher density on the site. In this context, it is particularly important to establish that the proposed dwellings will meet modern industry standards. Such standards should inform design and there should be transparency in how reports have arrived at their conclusions.

A revised Sunlight and Daylight Assessment should be provided to resolve the above issues and this should be provided as clarification of additional information.

Comhairle Chontae Atha Cliath Theas

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REG. REF. SD22A/0126

**LOCATION: Junction of Grange Road, Nutgrove Avenue and Loreto Terrace Rathfarnham,
Dublin , 14.**



**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: 10/8/22



Eoin Burke, Senior Planner