

Comhairle Chontae Atha Cliath Theas

PR/1215/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0295 **Application Date:** 30-Jun-2022
Submission Type: Additional **Registration Date:** 30-Aug-2022
Information

Correspondence Name and Address: Watson Fitzpatrick & Associates 98, Woodlawn Park
Grove, Firhouse, Dublin 24

Proposed Development: Two storey four bedroom detached house to side of
29 Ballyroan Heights Rathfarnham Dublin 16

Location: 29 Ballyroan Heights, Rathfarnham, Dublin 16

Applicant Name: J McDonagh

Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area: Stated as 0.03 ha.

Site Description:

The application site is located in Ballyroan Heights in Rathfarnham, a primarily residential area that is characterised by dwellings of differing architectural styles with staggered building lines and heights.

The site comprises the side garden of a detached two storey dwelling.

Site visit: 5/8/22

Proposal:

Permission is sought for the following:

- Construction of a two storey four-bedroom detached house to side of 29 Ballyroan Heights
- Total area of works 150sqm.

Zoning:

The site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*.

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Consultations:

Water Services - Request Additional Information.

Irish Water - No objection, subject to conditions.

Roads - Request Additional Information.

Parks – No objection, subject to conditions.

Submissions/Observations /Representations

None

Relevant Planning History

Subject

SD17A/0022 – **Permission Granted** for demolition of existing 2 storey dwelling and construction of **two dwellings** (2 four bedroom, three storey detached dwellings) and all associated site works. Construction of new vehicular entrances onto public road for proposed houses. **Not implemented.**

SD07A/0127 – **Permission Granted** for (a) Demolition of existing two storey detached dwelling, (b) construction of 2 no. four bedroom two storey detached houses and all associated site works, (c) construction of new vehicular entrances onto public road for proposed houses.

SD02B/0454 – **Permission Granted** for two storey and attic side extension and revised single storey rear extension approved under Reg. Ref. S01B/0003.

S01B/0003 – **Permission Granted and Permission Refused** for front porch, garage conversion, front first floor extension, two storey and attic side extension, attic conversion, single-storey rear extension and detached garage and retention of walling to boundaries, widened vehicular access with electronic gates and terraced rear garden.

Relevant Enforcement History

No current relevant enforcement.

Pre-Planning Consultation

None recorded for subject site.

Relevant Policy in South Dublin County Council Development Plan 2022 - 2028

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH3 Natura 2000 Sites

NCBH3 Objective 3 (Appropriate Assessment)

Chapter 4 Green Infrastructure

Policy G11 Overarching

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G11 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Policy GI2 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Policy GI4 Sustainable Drainage Systems

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Chapter 6 Housing

Section 6.8 Residential Consolidation in Urban Areas

Policy H9 Private and Semi-Private Open Space

Policy H11 Privacy and Security

H11 Objective 2

To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and the public realm.

Policy H13 Residential Consolidation

H13 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 12: Implementation and Monitoring.

H13 Objective 5

To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

Chapter 7 Sustainable Movement

Section 7.10 Car Parking

Policy SM7 Car Parking and EV Charging

SM7 Objective 1 Maximum car parking standards

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Chapter 8 Community Infrastructure and Open Space

Section 8.7.5 Quality of Public Open Space

Policy COS5 Objective 16

To ensure that parks and public open spaces are carefully designed as safe spaces, by implementing the following measures:

- Providing active frontages and maximising passive surveillance from adjacent housing and / or public thoroughfares;*
- Eliminating buildings which back-on or gable-front public open spaces;*
- Designing corner units with active frontage;*
- Encouraging increased use through improved access and quality of facilities';*
- Careful location, design and choice of surface materials and site furniture.*

Chapter 10 Energy

Section 10.2 Energy Measures

Policy E3 Energy Performance in Existing and New Buildings

Chapter 12 Implementation & Monitoring

Section 12.3 Natural, Cultural and Built Heritage

Section 12.3.1 Appropriate Assessment

Section 12.3.3 Environmental Impact Assessment

Section 12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

Section 12.6.8 Residential Consolidation

(ii) Corner / Side Gardens

- Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:*
- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;*
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;*
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.*
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;*

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- *The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;*

Relevant Government Guidelines and Policy

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

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.

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).

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).

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

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Assessment

The main issues for assessment are:

- Zoning and Council policy
- Accuracy of drawings
- Residential and Visual Amenity
- Roads
- Drainage
- Parks
- Green Infrastructure
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is subject to zoning objective 'RES' - '*To protect and/or improve residential amenity*'. A residential dwelling is 'Permitted in Principle' under this zoning objective.

Accuracy of drawings

The 1/500 site layout is not consistent with the proposed floor plans – the first floor rear element shows an inset to the west, but this is not reflected in the plan drawings. Furthermore, the proposed ground and first floor plans are disjointed and should be shown one on top of the other and also indicate the site boundaries and the footprints of the adjacent dwellings to west and east. **Further information** is required on this.

Visual and Residential Amenity

Visual amenity

Permission was granted on this site and the site to the east for two detached dwellings (with demolition of existing detached dwelling) under SD17A/0022 but this has not been implemented.

The proposed development is a detached two storey dwelling with a pitched roof and smaller pitched roof over the area that extends past the building line of the front elevation and a mono pitched projection to the rear. The proposed development will be relatively narrow in the context of the footprint of dwellings in the vicinity with a width of approximately 6.7m but would be visually acceptable. Similar was granted under SD17A/0022.

The front building line would be substantially in line with the existing established building line which is acceptable.

The front façade treatment appears to be brick clad on the ground floor with a concrete render on the first floor.

The proposed dwelling would be visually acceptable.

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Residential amenity

The depth of the proposed ground floor is approximately 14.8m. The ground floor would project slightly beyond the rear extension of the dwelling to the west. The first floor rear would align with the first floor of the dwelling to the east.

The ridge height of the proposed dwelling is in line with the existing unit to the east at 8.9m approximately and slightly higher than the main part of the roof structure of the dwelling to the west.

The separation distances from the side boundary of the site are considered acceptable. There will be approximately 1.1m distance to the gable wall of the property on the subject site to the east and a similar distance to the gable of the property to the west which will require the subject property abutting the boundary wall and side access to the rear will be provided to the east which is acceptable.

There will be no overlooking of directly opposing first floor main bedroom windows regarding the dwelling to the south.

There is a 1st floor landing window on the western gable wall. This should be **conditioned** to be obscure.

The rear amenity space for both the existing dwelling and proposed dwelling is consistent with Development Plan and therefore acceptable.

The driveway will provide parking for two cars at a depth of approximately 8.5m.

The proposed development is a four bedroomed two storey house which has been assessed against the 'Quality Housing for Sustainable Communities – Best Practice Guidelines' (2007). Table 3.20 in section 12.6.7 of the South Dublin County Development Plan 2022 – 2028 states that the minimum area for a 4 bedroomed dwelling is 110sqm and the proposed development has an area of 150sqm and is therefore acceptable.

Having regard to the above the proposal would be visually acceptable and would not adversely impact residential amenity. However, a **condition** should be imposed removing exempted development rights due to the depth of the proposed ground floor rear projection.

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Roads

The Roads Department request further information. Their report states:

Roads recommend that additional information be requested from the applicant:

- 1. Please submit a revised layout of not less than 1:100 scale, showing a 2 no. separate access, to each dwelling of **29 Ballyroan Heights, Rathfarnham, Dublin 16.***

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

- 1. The boundary walls and gates at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 2. The vehicular access points shall be limited to a width of 3.5 meters for both existing and proposed dwelling at **29 Ballyroan Heights, Rathfarnham, Dublin 16.***
 - a) Prior to commencement the applicant shall submit a revised layout showing a 3.5m wide access*
- 3. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
- 4. All gates shall open inwards and not out over the public domain.*
- 5. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

Item 5 is unenforceable. The above is noted from the Roads Department and it is considered appropriate that **Additional Information** is sought regarding the layout of the access. It is further considered appropriate that drawings confirming the width of both access to the existing dwelling and proposed dwelling and elevations confirming the height of any boundary walls and gates is sought. The revised entrance should avoid the existing street tree. The entrance to the existing dwelling should also be shown.

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Drainage

Regarding surface water the Water Services section require further information. Their report states:

Surface Water Report: Further Information required:

- 1.1. The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.*
- 1.2. The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*
 - *Soakaway*
 - *Rain Gardens, Planter boxes with overflow connection to the public surface water sewer.*
 - *Permeable Paving*
 - *Grasscrete*
- 1.3. If a soakaway is proposed, the applicant is required to submit a report showing percolation tests results. The report shall include the following details:*
 - i) Which individual had carried out the site test.*
 - i) When the test was carried out*
 - ii) Which location was the test carried out at exactly*
 - iii) The report shall include the time, date and location of percolation tests. Show the start and end time the test started and length of time it took for the trial hole to drain 50% within 24 hours.*
- 1.4. If a soakaway is proposed submit a drawing in plan and cross-sectional view showing design details of same as per BRE Digest 365 Standards. The soakaway shall have an overflow connection to the public surface water sewer.*

The **additional information** as required from the Water Services Department is considered appropriate.

Having regard to foul and water Irish Water have no objections subject to the standard conditions. Notwithstanding this, it appears from the site plan as submitted that the existing foul water sewer and surface water drainage pipes run directly behind the wall of the proposed rear façade and **additional information** is required to confirm the distance and an appropriate set back.

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Parks

The Parks Department have concerns about the street tree and give conditions. Their report states

Public Realm Comments:

The Public Realm Section would have some concerns regard the potential impact of the new driveway entrance on the existing street tree in the adjoining grass margin. It is not clear from the drawings submitted if the proposed new entrance driveway will have an impact on the adjoining grass margin and the existing street tree planting in this grass verge.

*The proposed **new driveway entrance should be located a min. 3 meters away from the base of the street tree** and all relevant measures should be put in place to protect the tree during construction works including the erection of suitable tree protection fencing and undertaking hand digging in the vicinity of tree roots when required.*

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following CONDITIONS be added to any proposed GRANT of permission:

1. Protection of Street Trees in Grass Margins

The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works pertaining to retention of the gate. Commencement of development should not be permitted without adequate protective fencing being in place. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan.

REASON: In order to ensure adequate protection for the street trees in the adjoining grass margin during the construction of development, and in the interests of the visual amenity of the area in accordance with relevant policies in the South Dublin County Council Development Plan 2022-2028.

2. Tree Bond

A maximum of two weeks from the date of Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, a Bond or bank draft to the value of €1,500 shall be lodged with the Planning Authority as a security for the protection of the existing street tree in the grassed margin along the northern boundary of the site during the course of the development works.

The release of the bond will be considered a minimum 12 months after the completion of all site works, at the discretion of the Landscape/Public Realm Section. This will involve

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assessment of whether the tree specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure in accordance with relevant policies in the South Dublin County Council Development Plan 2022-2028.

3. *Sustainable Drainage System (SuDS)*

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant shall submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development. Sample SuDs devices include green roofs, water butts, tree pits, rain gardens, filter strips and permeable paving amongst others. The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under SECTION 4.2.2. SUSTAINABLE WATER MANAGEMENT and other relevant policies in the South Dublin County Council Development Plan 2022-2028.

4. *Boundary*

Boundary treatment shall be similar in design and construction in order to match existing and neighbouring boundaries. Details shall be submitted and agreed with Planning Department Section prior to the commencement of development.

REASON: In the interests of visual amenity in accordance with relevant policies in the South Dublin County Council Development Plan 2022-2028.

The conditions as set out by Public Realm are noted. It is considered appropriate that the applicant be requested by way of **Additional Information** including drawings to confirm that the proposed new driveway entrance is located a min. 3 metres away from the base of the street tree.

Green Infrastructure

The subject site is not located within a Core Area, Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 of the County Development Plan 2022 – 2028). The development is an infill development comprising of a new two storey detached dwelling, however, will not result in a significant loss of any hedgerow, trees and or grassland and therefore a full GI Plan is not required for this application.

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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 a detached two storey dwelling.

Having regard to:

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

Conclusion

The principle of a detached 4 bedroomed 2 storey dwelling is acceptable. However, **further information** is required regarding:

- Drainage details
- Entrance details (existing and proposed dwelling) and protection of street tree
- Accuracy of drawings

Recommendation

Further Information Requested on 24/08/2022.

Further Information Received on 30/08/2022.

Consultations:

Water Services – Request Clarification of Additional Information.

Roads – No report received at the time of writing.

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Assessment

Item 1:

It appears from the plans submitted by the applicant that there is existing foul sewer and surface water drainage pipes running close to the proposed rear elevation. The applicant is requested to provide drawings including site plans and floor plans confirming the distance to the pipes, including confirmation of an appropriate set back to accord with SDCC requirements (surface water) and Irish Water requirements (foul).

In response to Item 1, the applicant submitted the following:

- Cover Letter
- Drawings 586/PD/03 indicating the distance to the existing mains

The setback distance to the foul sewer drain is confirmed at 3m to the rear of the proposed development which is **acceptable** as the diameter of the pipe is 150mm.

Item 2:

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

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

- Soakaway
- Rain Gardens, Planter boxes with overflow connection to the public surface water sewer.
- Permeable Paving
- Grasscrete

1.3. If a soakaway is proposed, the applicant is requested to submit a report as additional information showing percolation tests results. The report shall include the following details:

- i) Which individual had carried out the site test.*
- ii) When the test was carried out*
- iii) Which location was the test carried out at exactly*
- iv) The report shall include the time, date, and location of percolation tests. Show the start and end time the test started and length of time it took for the trial hole to drain 50% within 24 hours.*

1.4. If a soakaway is proposed the applicant is requested to submit a drawing in plan and cross-sectional view showing design details of same as per BRE Digest 365 Standards. The soakaway shall have an overflow connection to the public surface water sewer.

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The applicant provided no information in response to this Additional Information request and the following was received from Water Services who require Clarification of Additional Information:

Surface Water Report:

Further Information required:

- 1.4. Submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.*
- 1.5. The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*
- *Soakaway*
 - *Rain Gardens, Planter boxes with overflow connection to the public surface water sewer.*
 - *Permeable Paving*
 - *Grasscrete*
- 1.6. If a soakaway is proposed, the applicant is required to submit a report showing percolation tests results. The report shall include the following details:*
- v) *Which individual had carried out the site test.*
 - vi) *When the test was carried out*
 - vii) *Which location was the test carried out at exactly*
 - viii) *The report shall include the time, date, and location of percolation tests. Show the start and end time the test started and length of time it took for the trial hole to drain 50% within 24 hours.*

1.4 If a soakaway is proposed submit a drawing in plan and cross-sectional view showing design details of same as per BRE Digest 365 Standards. The soakaway shall have an overflow connection to the public surface water sewer.

Notwithstanding the report from the Water Services Department, it is considered appropriate that the above be attached as a **condition in the event of a grant of permission.**

Item 3

Vehicular entrance.

The applicant is requested to submit a revised layout of not less than 1:100 scale, showing two separate accesses i.e., one to each dwelling (the proposed and the existing dwelling to the east), including the proposed widths of both. The entrance to the proposed dwelling should have a distance of 3m from the existing street tree.

Accuracy of drawings.

The 1/500 site layout is not consistent with the proposed floor plans – the first-floor rear element shows an inset to the west, but this is not reflected in the plan drawings.

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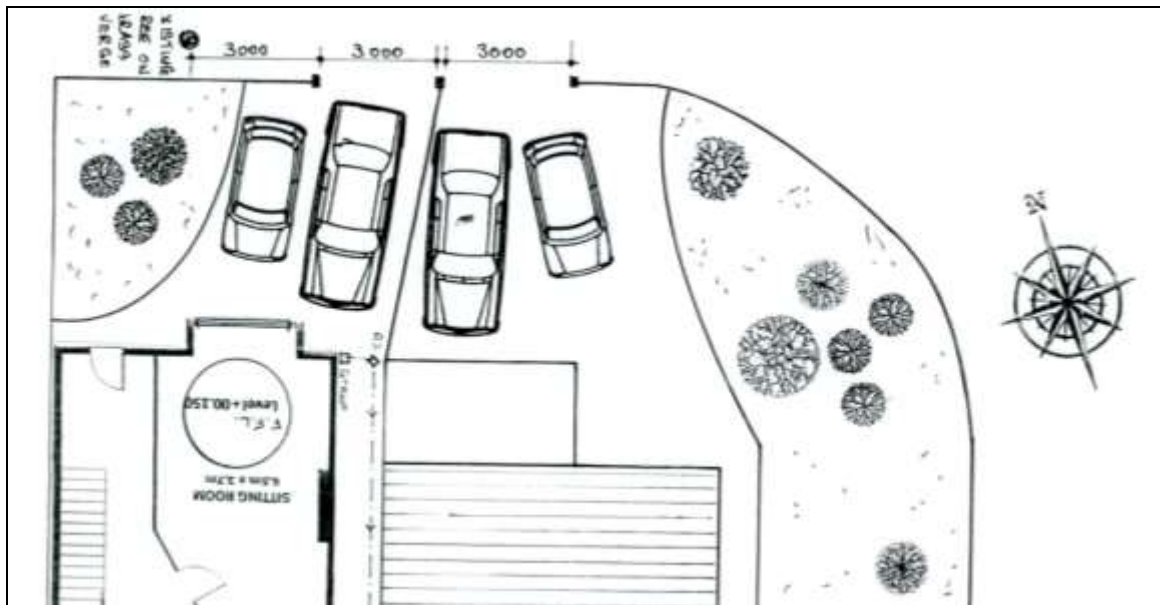
Furthermore, the proposed ground and first floor plans are disjointed and should be shown one on top of the other and also indicate the site boundaries and the footprints of the adjacent dwellings to west and east. The applicant is requested to submit revised drawings accordingly.

In response to Item 3, the applicant submitted the following:

- Cover Letter
- Drawings 586/PD/03 indicating the width of both vehicular entrances

The Roads Department have no objection to the proposed development and the provided the following report:

Applicant Submitted Response to Additional Information Request:



Roads Department Assessment:

SDCC Roads Department is satisfied with the applicant's revised entrance layout. The applicant has not indicated the heights of the boundary walls and pillars at the vehicle access points.

No Roads objections subject to the following conditions:

- 1. The boundary walls and gates at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 2. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's*

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expense. The footpath and kerb shall be dishd and widened to the full width of the proposed widened driveway entrance.

3. *All gates shall open inwards and not out over the public domain.*

The applicant has addressed the concerns raised by the Roads department and it is deemed appropriate that the **conditions** as outlined are attached in the event of a grant of permission.

Overall, the applicant has addressed the items as requested under Item 1 and 3 but failed to provide any information regarding the provisions of SuDS as outlined in Item 2. Notwithstanding this, a **grant of permission is deemed appropriate**, and the requirements of the Water Services Department should be attached as a **condition**.

Development Contributions	
Planning Reference Number	SD22A/0295
Summary of permission granted & relevant notes:	Detached 4 bed infill development. Total area 150 sqm
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% Reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	150
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	150
Total development contribution due	€15,673.50

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Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022 – 2028 and the overall design and scale of the development proposed it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

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

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 30/08/2022, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Permission Required for Class 1 & 3 Exemptions.
Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.
REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

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3. Sustainable Urban Drainage Systems

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features. Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority and thereafter implement agreed measures at the site:

a) a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development, for the written agreement of the Planning Authority. The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following: Rain Gardens , Planter boxes with overflow connection to the public surface water sewer.

- Permeable Paving
- Grasscrete
- Green Roofs
- Rain gardens
- Swales
- Permeable Paving
- Grasscrete
- Channel Rills
- Planter Boxes
- Water Butts
- Other such SuDS

b) A summary, in a digital format, quantifying and detailing the following:

- tree and hedgerow removal;
- tree and hedgerow retention;
- new tree and hedgerow planting.

The applicant should reference the SDCC Sustainable Drainage Explanatory Design & Evaluation Guide prior to submission.

REASON: To ensure the adequate provision of SuDS

4. Street Tree

The applicant shall ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works pertaining to retention of the gate. Commencement of development shall not be permitted without adequate protective fencing being in place. This fencing, enclosing the tree protection area shall be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage shall be permitted within the fenced tree protection areas indicated on plan.

REASON: In order to ensure adequate protection for the street trees in the adjoining grass margin during the construction of development, and in the interests of the visual amenity of the area in accordance with relevant policies in the South Dublin County Council

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Development Plan 2022-2028.

5. **Boundary Treatment**

The boundary treatment shall be similar in design and construction in order to match existing and neighbouring boundaries. Details shall be submitted and agreed with Planning Department Section prior to the commencement of development.

REASON: In the interests of visual amenity in accordance with relevant policies in the South Dublin County Council Development Plan 2022-2028.

6. **Gates.**

No gate to be installed or erected shall be capable of opening across any public footpath, cycle-track, roadway or right of way, and any front entrance pillars shall be a maximum height of 1.2m .

REASON: In the interests of visual amenity and pedestrian safety.

7. **Dish Kerb and Footpath.**

The kerb and footpath of the public road at the vehicle entrance(s) shall be dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense.

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

8. **Minimise Air Blown Dust.**

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

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

9. **Construction Noise and Hours.**

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

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning

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

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

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

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

10. Irish Water Connection Agreement.

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

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

11. Restriction on Use and Occupancy.

Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, (including short-term letting).

REASON: To prevent unauthorised development.

12. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €15,673.50 (fifteen thousand, six hundred and seventy-three euro and fifty cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to

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the year in which implementation of the planning permission is commenced.

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

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

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

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD22A/0295

LOCATION: 29 Ballyroan Heights, Rathfarnham, Dublin 16



**Deirdre Kirwan,
Senior Executive Planner**

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

Date: 26/09/22


Gormla O'Corrain, Senior Planner