

Comhairle Chontae Atha Cliath Theas

PR/1240/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0324 **Application Date:** 08-Aug-2022
Submission Type: New Application **Registration Date:** 08-Aug-2022
Correspondence Name and Address: Michael McCabe, PMCA Architects 104, Francis Street, Dublin 8
Proposed Development: Demolition of an existing house; Ancillary outbuildings and the construction of 1 two to four storey building accommodating 19 apartments comprised of 6 one bedroom apartments and 13 two bedroom apartments; Vehicular access to the proposed development will be via Lucan Road with traffic calming measures onto Lucan Road; 11 car parking spaces and 20 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing all on a site of 0.1925 hectares.
Location: Hillhouse, Lucan Road, Lucan, Co. Dublin
Applicant Name: Frances Dowling
Application Type: Permission

Description of Site and Surroundings:

Site Area:
Stated as 0.1925ha

Site Description:

The subject site is located on the southern side of Lucan Road and contains a single storey bungalow and ancillary outbuildings. The site is bound by St. Marys Church, Presentation Convent, Parish Centre and School to the west and existing residential dwellings to the south and east. A pedestrian link connecting Lucan Road to Lucan Heights residential estate is located on the eastern boundary of the site.

The surrounding area is generally characterised by two-storey detached and semi-detached residential dwellings situated within an established residential setting. The existing entrance to the site is located in the north eastern corner of the site and is approximately 50m from a controlled junction to the west. The Lucan Road is a heavily trafficked regional road (R835).

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Proposal:

The proposed development comprises:

- Demolition of the Hillhouse, the existing dwelling on the subject site and all ancillary outbuildings.
- Construction of a part 2 No. to part 4 No. storey building containing 19 No. apartments comprised of 6 No. one bedroom units and 13 No. two bedroom units.
- Amendments to the existing vehicular access onto Lucan Road with the widening of the entrance and the inclusion of traffic calming measures.
- Provision of 11 No. surface car parking spaces and 20 No. bicycle parking spaces.
- Ancillary services including a detached water storage tank and bin store.
- All ancillary works above and below ground.

Planning Note

The documentation provided by the Applicant makes reference to the South Dublin County Council Development Plan 2016-2022. However, as the Planning Application was received on 8th August 2022, the assessment of the proposed development in this Report is carried out having regard to the South Dublin County Development Plan 2022-2028, which was enacted on 3rd August 2022.

SEA Sensitivity:

Overlap is indicated with the following SEA layers:

- Protected Structures – RPS No. 032 – A detached two storey convent and RPS No. 037 St. Mary's Church are location to the west of the subject site.
- PHNA – Proximity to the Liffey Valley Protected Natural Heritage Area.

Zoning:

The subject site is subject to zoning objective RES - '*To protect and/or improve residential amenity*' in the South Dublin County Development plan 2022-2028.

Consultations:

Internal

Architectural Conservation Officer – Refusal recommended.

Drainage and Water Services Department – Additional Information required.

Environmental Services Department – No objection, subject to conditions.

Housing Department – No objection, subject to an appropriate Part V Condition.

Parks and Public Realm Department – Additional Information required.

Roads Department – Refusal recommended.

Waste Management Department – No report received at time of writing.

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External

HSE Environmental Health Officer – No objection, subject to conditions.

Irish Water – Additional Information required.

Irish Aviation Authority – No objection.

Transport Infrastructure Ireland – No objection provided the Planning Authority has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

Submissions/Observations /Representations

Final date for submissions/observations – 12th September 2022.

A number of submissions have been received in respect of this proposal. The main issues raised are briefly summarised below:

- Overlooking of adjacent properties in the Cloisters and Lucan Heights.
- Traffic safety hazard created by additional vehicular entrance onto Lucan Road, close to a heavily trafficked controlled junction and crossing a footpath which is used by children attending the nearby school. Proposed yellow box would not successfully address traffic hazard.
- Potential to overlook school playground and Convent grounds.
- Car parking provision too low and will result in overspill to adjacent residential areas.
- Overspill car parking may limit emergency vehicle and refuse truck access to existing residential dwellings in the area.
- The proposal will result in a reduction in the width of the adjacent footpath.
- No provision for refuse collection trucks within the subject site.
- Proposal will detract from the historic and architectural value of the adjacent Protected Structure.
- Resultant noise impacts to adjacent residential area.
- Insufficient recreation/open space provided, therefore contrary to H9 Objective 2 of the South Dublin County Development Plan 2022-2028.
- The Application does not demonstrate adequate evacuation and assembly requirements from a fire safety perspective.
- There is no provision of electric vehicle charging points.
- The contiguous drawings are not to scale and do not accurately show the potential impact to the surrounding streetscape.
- The proposed development would unduly impact the character of the area and would therefore be contrary to H13 Objective 5 of the South Dublin County Development Plan 2022-2028.

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- The Landscape Report recommends the use of a herbicide containing a banned chemical.
- The proposed development does not successfully overcome the Reasons for Refusal associated with SD19A/0198 and SD20A/0142(ABP Ref. 309525-21).
- The Road Safety Audit does not provide sufficient detail in relation to the proposed development and fails to provide genuine or well-considered recommendations.
- The Applicant has failed to provide a Construction Management Plan, Mobility Management Plan and Car Parking Survey.
- The proposed density is far too high and would be inconsistent with the prevailing character and density of the area.
- No Construction and Demolition Waste Management Plan has been provided, which is contrary to Section 12.11.3(iv) of the South Dublin County Development Plan 2022-2028.
- The proposal does not protect the amenity of adjacent residential properties and is thus contrary to the zoning objective.
- The inevitable removal of mature trees to accommodate the proposed development will have a negative impact on the surrounding area.

The issues raised in the submissions and observations lodged in respect of this Planning Application have been considered in the overall assessment of the proposed development.

Relevant Planning History

Subject site

SD20A/0142

Demolition of an existing house, Hillhouse, Lucan Road and ancillary outbuildings and the construction of one 4 storey building accommodating 20 apartments comprised of 5 one bedroom apartments and 15 two bedroom apartments. Vehicular access to the proposed development will be via Lucan Road and Lucan Heights with 13 car parking spaces and 12 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing all on a site of 0.1925ha.

SDCC Decision: Grant Permission, subject to conditions. The decision of South Dublin County Council was subject to a Third Party Appeal to An Bord Pleanála (ABP-309525-21).

ABP Decision: Refuse Permission.

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Reason for Refusal – ABP-309525-21

In refusing permission for the development proposed under SD20A/0142/ABP-309525-21 An Bord Pleanála cited the following reason for refusal:

'Having regard to the proximity of the primary site access to the controlled junction on the R835 regional road, to the proposed limited access by means of a 'left in, left out' arrangement only, and to the proposed use of the secondary access point onto Lucan Heights across the existing pedestrian walkway which is considered inappropriate, it is considered that the proposed intensification of traffic accessing and egressing the site would result in increased traffic hazard on a busy road and would result in unsafe traffic movements into and out of the site. It is considered that the proposed development would endanger pedestrian and traffic safety by reason of creating a traffic hazard and would, therefore, not be consistent with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to Grant Permission, the Board considered that the proposed secondary access over the pedestrian laneway to the east of the site and through the cul-de-sac of Lucan Heights would present an unacceptable risk to pedestrians using this access point to the established estate and would introduce an unacceptable level of additional traffic onto this narrow roadway. Accordingly, in the context of not accepting the viability of the secondary access point to the site, and taking account of the constrained nature of the primary access point onto the R835, where right turning vehicles into and out of the site would cause a significant traffic risk under the current road arrangements, the Board considered that the increased traffic accessing the site cannot be accommodated in the absence of the provision of safer and more sustainable road design solutions such as box junctions, traffic lights and/or pedestrian crossings to facilitate the development'.

Consideration as to whether the Applicant has successfully addressed the above outlined Reason for Refusal is set out under a separate heading in the Assessment Section of this Report.

SD19A/0198

Demolition of existing house and ancillary outbuildings and the construction of one 4 -storey building accommodating 21 apartments, comprised of 6 one bedroom apartments and 15 two bedroom apartments; vehicular access to the proposed development via Lucan Road with 13 car parking spaces and 12 bicycle parking spaces and ancillary services all on a site of 0.1925 hectares.

SDCC Decision: Refuse Permission

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Reasons for refusal under SD19A/0198 were as follows:

1. Traffic

The proposed intensification of traffic at the access to the site in close proximity to a controlled junction and onto a heavily trafficked regional road would result in increased traffic hazard. It is considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise

2. Visual

Having regard to the overall bulk, scale and massing of the building, the proposed development would be visually obtrusive and would adversely impact on the visual and residential amenity of adjacent residential properties and the wider area and would set an undesirable precedent for similar type development in the area and would be contrary to the proper planning and sustainable development of the area.

3. Overbearing

The proposed development would have a significant overbearing impact on the dwellings to the south and would therefore not be in accordance with the zoning objective of the site 'to protect and/or improve Residential Amenity'. The proposed development would, therefore, seriously injure the residential amenities of the area, would conflict with the objectives of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

4. Guidelines

Having regard to the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018), the Planning Authority is not satisfied on the basis of the information submitted that the proposed development complies with criteria set out in Section 3.0 of said guidelines. The proposed development therefore would be contrary to SPPR 3 of the Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.

Consideration as to whether the Applicant has successfully addressed the above outlined Reasons for Refusal is set out under a separate heading in the Assessment Section of this Report.

Relevant Enforcement History

None traced to subject property.

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Pre-Planning Consultation

None recorded for this Planning Application. However, it is noted that a Pre-Planning meeting was held on 6th February 2020 pertaining to the development proposed under SD20A/0142.

PP165/19: Pre-Planning meeting held on 6th February 2020 with agents for the Applicant and representatives of SDCC Planning Department and Roads Section.

- Applicant advised of the following:
 - Previous reasons for refusal should be addressed in future proposal.
 - Roads, access, and layout are key issues- currently a single dwelling on site with single access from the main road to north
 - Consideration of reduced height/bulk of proposal with enhanced architectural treatment.
 - Enhanced legibility and pedestrian route through the site from Lucan Heights to the main road required.

Relevant Policy in South Dublin County Development Plan 2022-2028

Policy CS1: Strategic Development Areas

2.6.1 Land Capacity Study

Land Capacity Sites

Figure 9: Housing Capacity Sites

2.6.5 Core Strategy – 2022-2028 Development Plan

2.6.6 Housing Strategy

2.7 Settlement Strategy

Policy CS3 Promote and facilitate housing and population growth in accordance with the overarching Core Strategy to meet the needs of current and future citizens of South Dublin County.

CS3 Objective 6: To ensure the phased development of new housing areas in tandem with the delivery of physical and social infrastructure provision as identified within Local Area Plans or as informed by assessments carried out by the Planning Authority.

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH3 Natura 2000 Sites

NCBH3 Objective 3 (Appropriate Assessment)

Policy NCBH1: Overarching

NCBH1 Objective 1

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Policy NCBH2: Biodiversity

Policy NCBH3: Natura 2000 Sites

Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas

Policy NCBH11: Tree Preservation Orders and Other Tree / Hedgerow Protections

Policy NCB12: Geological Sites

Policy NCBH13: Archaeological Heritage

Policy NCBH14: Landscapes

Policy NCBH19: Protected Structures

Chapter 4 Green Infrastructure

Policy GII Overarching

GII 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.

Policy GI5: Climate Resilience

Strengthen the County's GI in both urban and rural areas to improve resilience against future shocks and disruptions arising from a changing climate.

Policy GI6: Human Health and Wellbeing

Improve the accessibility and recreational amenity of the County's GI in order to enhance human health and wellbeing while protecting the natural environment within which the recreation occurs.

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*Policy GI7: Landscape, Natural, Cultural and Built Heritage
Protect, conserve and enhance landscape, natural, cultural and built heritage features, and support the objectives and actions of the County Heritage Plan.*

Policy QDP1: Successful and Sustainable Neighbourhoods

5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP3: Neighbourhood Context

Policy QDP4: Healthy Placemaking

Policy QDP5: Connected Neighbourhoods

Policy QDP6: Public Realm

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy QDP7: High Quality Design – Street Width and Height

Policy QDP7: High Quality Design – Adaptability and Inclusivity

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)

Policy QDP9: High Quality Design - Building Height and Density

Policy QDP10: Mix of Dwelling Types

Policy QDP11: Materials, Colours and Textures

Chapter 6 Housing

Section 6.8 Residential Consolidation in Urban Areas

Policy H7: Residential Design and Layout

Policy H8: Public Open Space

Policy H9 Private and Semi-Private Open Space

Policy H10: Internal Residential Accommodation

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.

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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

Policy SM1: Overarching – Transport and Movement

Policy SM2: Walking and Cycling

7.7.2 New Street and Road Proposals

Section 7.10 Car Parking

Policy SM7 Car Parking and EV Charging

SM7 Objective 1 Maximum car parking standards

Chapter 8 Community Infrastructure and Open Space

Section 8.7.5 Quality of Public Open Space

Policy COS1: Social Inclusion and Community Development

COS1 Objective 4:

To support the improvement, maintenance, upgrade and refurbishment of existing community based facilities and changing rooms within the County to meet current and future needs.

Policy COS2: Social / Community Infrastructure

Policy COS3: Community Centres

Policy COS4: Sports Facilities and Centres

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 E1: Responding to European, National and Regional Policy and Legislation

Policy E3 Energy Performance in Existing and New Buildings

Policy E4: Electric Vehicles

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Policy E7: Solar Energy

Policy IE1: Overarching Policy

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

11.3.1 Riparian Corridors

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

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

12.3.5 Landscape Character Assessment

Table 12.17: Landscape Character Types

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights

12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.3 Unit Tenure

Section 12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

12.6.1 Mix of Dwelling Types

12.6.3 Unit Tenure

12.6.7 Residential Standards

Section 12.6.8 Residential Consolidation

12.6.10 Public Open Space

12.7.1 Bicycle Parking / Storage Standards

12.7.2 Traffic and Transport Assessments

12.7.4 Car Parking Standards

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.7.6 Car Parking Design and Layout

12.8.4 Early Childhood Care and Education Facilities

12.10.1 Energy Performance in New Buildings

12.11.1 Water Management

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12.11.3 Waste Management

12.11.4 Environmental Hazard Management

Relevant Government Guidelines

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

Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of the Housing, Planning and Local Government (2018).

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).

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government (December 2008).

Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2019).

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

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

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

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Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009).

National Cycle Manual, National Transport Authority (June 2011).

Towards Nearly Zero Energy Building in Ireland – Planning for 2020 and Beyond, Department of the Environment, Community and Local Government (2012).

Assessment

The main issues for assessment relate to the following:

- Zoning and Council policy
- Previous Reasons for Refusal
- Design, Residential and Visual Amenity
- Impact on the Protected Structure
- Vehicular Access and Parking
- Landscaping and Open Space
- Drainage and Water Services
- Green Infrastructure
- Part V
- Screening for Appropriate Assessment,
- Screening for Environmental Impact Assessment,

Zoning and Council Policy

The subject site is located on lands which are subject to the zoning objective 'RES' - *to protect and/or improve residential amenity* in the South Dublin County Development Plan 2022-2028.

The proposed residential land use would be acceptable in principle subject to the relevant policies, objectives and standards set out in the current Development Plan.

Residential Density

The proposed density would be approximately 98 No. units per hectare. The site is located within a low density suburban area, however having regard to the policies and objectives of the SDCC Development Plan 2022-2028 to make effective use of zoned lands and existing and planned infrastructure and services in close proximity to town, district or local centres, it is considered that the proposed density would be acceptable in principle subject to compliance with relevant safeguards of the County Development Plan.

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Unit Mix

Section 12.6.1 of the South Dublin County Development Plan outlines the requirements for unit mix of residential development as follows:

'Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- *there are unique site constraints that would mitigate against such provision; or*
- *that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- *the scheme is a social and / or affordable housing scheme.'*

The proposed development of this Planning Application is comprised of 19 No. apartments comprised of:

- 6 No. one bedroom units (31.6%)
- 13 No. two bedroom units (68.4%)

The proposed unit mix therefore does not adhere to the requirements set out in Section 12.6.1 of the Development Plan. The policy requirements around unit mix have been amended by the newly made County Development Plan since the previous similar application was made on the subject lands. Had the application been otherwise acceptable, a revised design could have been requested by a request for further information.

Vehicular Access, Parking and Addressing Previous Reasons for Refusal.

The proposed application is considered to be a similar development to that previously Refused permission by An Bord Pleanála under ABP Ref. 309525-21 (SD20A/0142) for the following reason:

'Having regard to the proximity of the primary site access to the controlled junction on the R835 regional road, to the proposed limited access by means of a 'left in, left out' arrangement only, and to the proposed use of the secondary access point onto Lucan Heights across the existing pedestrian walkway, which is considered inappropriate, it is considered that the proposed intensification of traffic accessing and egressing the site would result in increased traffic hazard on a busy road and would result in unsafe traffic movements into and out of the site. It is considered that the proposed development would endanger pedestrian and traffic safety by reason of creating a

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traffic hazard and would, therefore, not be consistent with the proper planning and sustainable development of the area.

The applicant has revised the proposals by widening of the existing entrance, adding traffic control measures in the form of a yellow box on Lucan Road and omitting a secondary entrance to Lucan Heights (previously supported by South Dublin County Council and deemed unsafe by An Bord Pleanála on appeal).

The Roads Department have assessed these revised proposals, with their Report noting the following:

Access and Roads Layout

The proposed access is by priority-controlled junction. The addition of a yellow box on the Lucan Road to allow access. The access is very close to the Chapel Hill junction, this location is heavily congested, and access may prove difficult during peak travel times. The previous application at this location SD20A/0142 was rejected on the basis traffic hazard.

The applicant has not sufficiently addressed the intensification of the traffic accessing and egressing the site. As the congestion on the R835 is outside the control of the applicant there is no reasonable solution the applicant can propose, therefore the roads department have significant reason to recommend refusal for this development.

A road safety audit has been submitted detailing five issues; all have been accepted by the applicant except for the visibility at the access point. The applicant shall limit the boundary walls to 0.9m to allow for forward visibility.

Permeability:

There is limited permeability through the development with a 2.0m wide footpath to the bicycle parking to the rear.

Car Parking:

There are 11no. parking spaces proposed and 1no mobility impaired space. The development is in Zone 1 and the quantity of parking required would be 60% of the maximum equating to 11no. spaces. The bays have 6.0m reversing space behind them, and an autotrack has been provided detailing how vehicles will access the development.

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Bicycle Parking:

The number of bicycle parking stands proposed is 20no. the CDP requires 1 space per bedroom long stay and 1 per apartment short stay, equating to 51no. spaces, the development is far under the required number of bicycle parking spaces.' [Emphasis added]

The Roads Department recommend that permission be Refused for the proposed development, citing the following reason:

'The proposed development would intensify the use of an access on to a congested road. The proposed access is in close proximity a junction that has traffic queuing past the vehicle access, thereby reducing driver visibility. This may lead to increasing the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard'.

Having Regard to the Report of the Roads Department, it is considered that the Applicant has failed to successfully overcome the previous Reason for Refusal pertaining to SD20A/0142(ABP Ref. 309525-21). It is considered that the intensification of traffic accessing and egressing the subject site as a result of the proposed development onto a busy road a short distance from a controlled junction would significantly endanger pedestrian and traffic safety. Having regard to the significance of the traffic safety issues and that the congestion of the R835 is outside the control of the Applicant, it is considered that the traffic safety concerns cannot be addressed by way of Additional Information. The proposals would require a significant redesign, a reduction in the quantum of residential units and related trip generation. On this basis it is recommended that permission be **REFUSED** for the proposed development.

Residential Amenity and Visual Impact

The proposed development includes a part 2 No. to part 4 No. storey building containing 19 No. apartments comprised of 6 No. one bedroom units and 13 No. two bedroom units. An assessment of the proposed development in relation to the residential amenity and potential visual impact is outlined below in the context of the relevant policies and objectives of the South Dublin County Development Plan 2022-2028.

Internal Layout and Dual Aspect

A Schedule of Accommodation has been submitted with the application. All of the proposed apartments would meet or exceed the minimum apartment size requirements. The proposed scheme provides individual balconies to all apartments located on upper levels and patio/terraces at ground floor level, which meet or exceed the minimum standards.

Under SPPR4 of the Apartment Guidelines (2018), the minimum number of dual aspect apartments that may be provided in any single scheme in suburban or intermediate locations

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such as the proposed shall be 50%. In total, 74% (14) of the apartments are dual aspect which is above the minimum required in the apartment guidelines. Of the remaining single aspect units, these are all one-bedroom apartments and are south or west facing, which is acceptable.

Daylight and Sunlight Assessment has been provided by the Applicant, the content of which is noted.

More generally, the proposed apartment block is nearly identical to that considered acceptable and approved by South Dublin County Council (SD20/0142) and as the policy framework in this area is largely unchanged, the layout and dual aspect elements of the development are considered acceptable.

Building Height

The site lies between existing single and two storey residential dwellings to the east and the Protected Structures of St. Marys Church and Presentation Convent to the west, which are listed in the Record of Protected Structures under RPS. Ref 037 and 032 respectively. Existing two storey semi-detached dwellings are located to the rear (south) of the site. The proposed development is located a distance of 3.4m from the boundary with the closest two-storey dwelling to the south and is approximately 25m in distance from the nearest detached dwelling to the east. Presentation Convent to the west is a two-storey structure, the private gardens of which lies on the western boundary of the site.

Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities 2018 sets out criteria to which an application for buildings of increased heights in town/city cores and other urban locations with good public transport shall be assessed against as follows:

- *'Site is well served by high capacity public transport and good links to modes of transport*
- *Successful integration into the character and public realm of the area*
- *Positive contribution to the urban neighbourhood*
- *Proposal is not monolithic and avoids long uninterrupted walls of building*
- *Makes positive contribution to improvement of legibility through the site or wider urban area*
- *Form, massing and height should be carefully modulated to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light*
- *An urban design statement including as appropriate impact on the historic built environment'.*

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Specific Planning Policy Requirement 3 (SPPR3) of the Urban Development and Building Heights Guidelines for Planning Authorities 2018 states:

It is a specific planning policy requirement that where:

- A) 1. An application for planning permission sets out how a development proposal complies with the criteria above; and
2. The assessment of the planning authority concurs taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines.

Then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise'.

In accordance with Section 12.3.7 of the South Dublin County Development Plan the applicant has submitted a Planning Design Report prepared by PMCA Architects which addresses issues such as Policy Context, Design Strategy, Urban Design, Layout, Distinctiveness, Parking, Public Realm, Privacy and Amenity. As previously indicated, the Planning Design Report incorrectly references the previous development, with the assessment of the proposed development being undertaken having regard to the current South Dublin County Development Plan 2022-2028 which was adopted on 3rd August 2022.

The Planning Design Report provided by the Applicant sets out how the development proposal complies with the height criteria set out in Section 3.0 of the Height Guidelines. Having regard to the details submitted the applicant is considered to have complied with SPPR 3 of the Guidelines.

The Architectural Conservation Officer has raised concerns in relation to the proposed height of the block, however the proposed structure is nearly identical to that considered acceptable and approved by South Dublin County Council (SD20/0142) and as the related policy framework is unchanged in relation to these substantive considerations and as such the proposed height is considered acceptable.

Waste Management and Bike Store

The drawings submitted indicate that a communal external bin store (maximum height 3.5m) and allocated parking for bicycles will be located in the southwest corner of the site. A further 4 no. visitor bike stands will be provided along the northern boundary of the site, adjacent to the pedestrian entrance off Lucan Road. The Application is accompanied by an Operational Waste Management Plan, the content of which is noted and accepted. No Construction and

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Demolition Waste Management Plan has been provided. This is a requirement Section 12.11.3(iv) of the South Dublin County Development Plan 2022-2028.

A Report received from the Roads Department notes that the proposed bicycle parking provision:

'The number of bicycle parking stands proposed is 20no. the CDP requires 1 space per bedroom long stay and 1 per apartment short stay, equating to 51no. spaces, the development is far under the required number of bicycle parking spaces'.

Having regard to the Report of the Planning Authority it is considered that the proposed bicycle parking provision is significantly below the minimum requirements outlined in Table 12.23 of the Development Plan. Were the proposals otherwise acceptable, revised proposals would be sought in this regard.

Impact on the Protected Structure

The subject site is located along Lucan Road, directly adjoining a Protected Structure to the west in the form of St. Joseph's Presentation Convent (RPS Ref. 032) and St Mary's Church (RPS Ref. 034) which is located further to the west.

The Architectural Conservation Officer of South Dublin County Council provided a Report in relation to the proposed development which outlines the following assessment:

'A Planning Design report has been provided as part of the planning application, however there is no Architectural Impact Assessment. Given the subject site is located adjoining a Protected Structure site visual impacts and overall direct impact of the proposed 4-storey apartment block. It is considered that an Architectural Impact Assessment including a design rationale should have been provided along with details and photographic record of the existing house and outbuildings. The proposed development will have significant visual impact along this section of road and in particular on the Protected Structure site which provides architectural interest and streetscape setting.

The proposed apartment block by nature of its overall mass, scale and height will be highly visible at this location and will directly impact on the visual setting of the Protected Structure, St. Josephs Presentation Convent and the existing streetscape setting along Lucan Rd. A design strategy is included as part of the Planning Design Report which states that the "building design for the apartment block is contemporary in its character but by the use of brick and coloured render as well as the overall scale of the buildings, the visual appearance of the buildings reflects the suburban character

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of the area". However, it is felt that the overall context of the subject site within an existing streetscape and adjoining a Protected Structure site has not been fully considered. A contemporary design can sit sensitively within an existing streetscape setting and in proximity to a Protected Structure site but the overall design should reflect design elements, scale, form and the materials type within the existing building stock.'

The Report of the Architectural Conservation Officer ultimately recommends that permission be **Refused** for the proposed development, citing the following reasons:

- *'The proposed development will have significant visual impact along this section of road and in particular the adjoining Protected Structure site which provides architectural interest and streetscape setting. An Architectural Impact Assessment including a design rationale has not been provided. The applicant has failed to provide details or information including a photographic record of the existing house and outbuildings.*
- *It is felt that the overall context of the subject site within an existing streetscape and adjoining a Protected Structure site has not been fully considered. A contemporary design can sit sensitively within an existing streetscape setting and in proximity to a Protected Structure site, however the proposed overall design fails to reflect design elements, scale, form and materials/palettes found within the adjacent site or wider area.*
- *The proposed apartment block by nature of its overall mass, scale and height will be highly visible at this location and will directly impact on the visual setting of the Protected Structure, St. Josephs Presentation Convent and the existing streetscape setting along Lucan Rd'.*

The concerns of the Conservation Officer in relation to the potential impact of the development on the setting of nearby protected structures are noted. However, no concerns of this nature were raised in relation to the near identical development approved by Planning Authority (SD20A/0142) and the related policy framework is largely unchanged in relation to protected structures in the interim. As such, these concerns do not form part of this decision in the interests of consistency. It is noteworthy that the recommendation of the Roads Department for the refusal of the development indicates that a redesign and reduction of the quantum and associated trip generation of the development would be needed and that this may have knock-on benefits in addressing the conservation concerns in relation to the scale of the development proposed in any future planning application.

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Landscaping and Open Space

The Parks and Public Realm Department have assessed the proposed development, with their Report indicating that the information is required to facilitate a complete assessment of the proposed development:

- *Revised Landscape Plan*
A revised landscape plan showing:
 - *Accessible Public Open Space.*
 - *Green Infrastructure Plan*
 - *Sustainable Drainage Measures including planting details as appropriate and details on how the measures work to function as part of an overall management train.*
- *SuDS Plan*
A SUDs Plan showing above ground natural SuDS demonstrating the four pillars of SuDS: amenity, biodiversity, water treatment and attenuation. Details for all SuDS features to demonstrate how the function.
- *Green Space Factor*
Provide a Green Space Factor according to the requirements set out in the SDCC County Development Plan (2022-2026)

The applicant is referred to the relevant green infrastructure, landscape and sustainable drainage policies of the SDCC County Development Plan 2022-2028 and SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide, 2022.'

Had the application been otherwise acceptable, this could have been requested as Further Information.

Drainage and Water Services

The Drainage and Water Services Department have assessed the proposed development, with their Report indicating the information provided by the Applicant was insufficient to facilitate a complete assessment of the proposed development as follows:

- The applicant is required to submit a drawing and/or report showing additional information regarding the percolation test carried out on site. "*Engineering Services & Drainage Design Report*" claims a report on this is attached in the appendices, but it is not. Details to be included in this report include but are not limited to:

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- 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.

The applicant is required to submit a drawing or report stating the attenuation capacity of the drainage features provided on site in m³. The report shall also include a breakdown of surface area on site in hectares and respective runoff coefficients. The breakdown should include:

- Roofs
- Yard
- Roads/footpaths
- Permeable paving
- Grassed areas

The use of concrete attenuation tanks is not recommended by SDCC water services section. The applicant is required to submit a drawing and report proposing an alternative attenuation system such as an arched type system only where SuDS is not adequate to attenuate all surface water on site.

Show on a drawing and report what attenuation capacity in m³ each SuDS system/s has in proposed development.

A report received from Irish Water indicates the information provided by the Applicant was deficient as follows:

- Obtain a letter of confirmation of feasibility for the water services infrastructure for the proposed development.
- Submit a pre-connection enquiry to Irish Water for the water services infrastructure for the proposed development.
- Obtain a letter of confirmation of feasibility for the wastewater infrastructure for the proposed development.
- Submit a pre-connection enquiry to Irish Water for the wastewater infrastructure for the proposed development.

Had the application been otherwise acceptable, this could have been requested as Further Information.

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Green Infrastructure

In accordance with Section 4.2.3 of the County Development Plan 2022-2028, outlines that the quantity and quality of green infrastructure provided by new development will be improved by the implementation of a Green Space Factor (GSF).

GI5 Objective 4 outlines the following relevant objective:

'To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq.m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).'
[Emphasis added]

The applicant has not submitted an assessment of the minimum Green Space Factor pertaining to the application site. The proposed development has therefore not successfully demonstrated compliance with GI5 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022-2028.

The subject site is located within the Liffey Valley Primary Green Infrastructure Corridor as identified in Figure 4.4 of the South Dublin County Development Plan 2022-2028. Under Section 12.4.2, the Development Plan states that all planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, The development should, at a minimum, protect any existing Green Infrastructure assets and enhance same.

A Green Infrastructure Plan as required as per Section 12.4.2 of the Development Plan, has not been submitted. The Applicant has therefore failed to successfully demonstrate compliance with Section 12.4.2 of the South Dublin County Development Plan 2022-2028. Had the application been otherwise acceptable, this could have been requested as Further Information.

Part V

Proposals for compliance with the provisions of Part V of the Planning and Development Act 2000 (as amended) have been submitted and includes 2 no. units.

The Housing Department have provided a Report in relation to the proposed development, which concludes as follows:

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'The Part V submission lodged with this planning application is noted, namely that the Applicant intends on fulfilling its Part V obligation by providing 2 no. Part V units. South Dublin County Council's preferred option is to acquire units on site. The percentage Part V obligation will be determined in accordance with the Part V of the Planning and Development Acts 2000 to 2020 as amended by the Affordable Housing Act 2021. The applicant is required to submit proof of date of purchase of the site for the percentage Part V obligation to be confirmed. Further proposals are subject to review and consideration by the Housing Department, subject to planning approval.

South Dublin County Council can only agree Part V in respect of the permitted development subject to costing approval from the Department of Housing, Local Government & Heritage. Please note that the Council would require a fully completed Part V submission prior to commenting on costs'.

Having regard to the Report of the Housing Department, it is considered that should permission be granted for the proposed development, a Part V condition should be attached.

Appropriate Assessment

The applicant has provided an Appropriate Assessment Screening Report prepared by J M McConville and Associates. The Report provides the following assessment of the proposed development:

'Potential impacts on Natura 2000 sites from the proposed development is restricted to discharge of surface and foul water from the site.

The proposal includes for the foul drainage to discharge by gravity to the existing public sewer which is treated in the Ringsend Treatment Plant. The surface water is to be managed by an infiltration trench on site with an overflow to the public surface water sewer. The Ringsend Treatment Plant has been granted permission for an upgrade which will increase the capacity of the plant.

Based on the available information and data is not expected that the proposed project will cause any impact on the SAC's or SPA's located within 15km of the project site, particularly South Dublin Bay and Rive Tolka SPA and South Dublin Bay SAC. It is significantly removed and of such a minor scale within an existing serviced area that it will cause neither changes nor have a significant adverse direct, indirect or secondary impact on the integrity of any Natura 2000 sites within the threshold distance.'

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On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded projects that the proposed development, individually or in-combination with other plans or, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

Having regard to the 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

Whilst the overall proposal to provide an apartment development on this site is acceptable in principle, it is considered that the Applicant has not successfully demonstrated compliance with the relevant policies and objectives of the South Dublin County Development Plan 2022-2028 regarding the Green infrastructure Network and the Green Space Factor of the proposed development and the feasibility of the proposed drainage and water services infrastructure. Additionally, the issues relating to the traffic and pedestrian safety hazard caused by the intensification of traffic accessing and egressing the subject site are too significant to be overcome by way of Additional Information. Having regard to the previous decision by An Bord Pleanála to Refuse planning permission for development of a similar nature and scale on the subject site under ABP Ref. 309525-21 (SD20A/0142), it is considered that the Applicant has not successfully overcome the previous reason for refusal and that the proposal in its current form would be contrary to the proper planning and sustainable development of the area. Having regard to the significance of the concerns regarding traffic and pedestrian safety, the deficiencies in the information provided by the Applicant and the failure to demonstrate compliance with the relevant policies and objectives of the South Dublin County Development Plan 2022-2028, it is considered that permission for the proposed development should be Refused.

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Recommendation

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

SCHEDULE

REASON(S)

1. Having regard to the proximity of the primary site access to the controlled junction on the R835 regional road and the scale of the development proposed, it is considered that the proposed intensification of traffic accessing and egressing the site would result in increased traffic hazard on a busy road and would result in unsafe traffic movements into and out of the site. It is considered that the proposed development would endanger pedestrian and traffic safety by reason of creating a traffic hazard and would, therefore, not be consistent with the proper planning and sustainable development of the area.

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REG. REF. SD22A/0324

LOCATION: Hillhouse, Lucan Road, Lucan, Co. Dublin



Colm Harte,
Senior Executive Planner



Gormla O'Corrain,
Senior Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 03 Oct 2022



Mick Mulhern, Director of Land Use,
Planning & Transportation