

Comhairle Chontae Atha Cliath Theas

PR/1583/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0403 **Application Date:** 26-Oct-2022
Submission Type: New Application **Registration Date:** 26-Oct-2022

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

Proposed Development: Two 2 storey dwellings and associated site works on the site and adjacent to an existing 2 storey dwelling. (For clarity the existing dwelling Lynbrook is to remain). Proposed dwellings A: 4 bedrooms 241sqm, B: 5 bedrooms 240sqm. Access is proposed to be by an existing driveway from the Whitechurch Road serving the existing dwelling on site. The driveway will be extended to serve the proposed dwellings, 4 car parking spaces, on site drainage treatment, additional soft and hard landscaping are proposed.

Location: Lynbrook, Whitechurch Road, Rathfarnham, D16T2P7

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

Application Type: Permission

(EW)

Description of Site and Surroundings:

Site visit: 23/11/2022

Site Area: stated as 0.454 Hectares on the application.

Site Description:

The subject site is located on the western side of Whitechurch Road in Rathfarnham. The site adjoins low density residential development.

The subject site contains a two storey, detached dwelling with outbuildings. The Glin River (otherwise known as Whitechurch Stream) flows through the site, along the eastern boundary. The vehicular access is from Whitechurch Road over a bridge across the Glin River. The site is largely vegetated around the boundaries.

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Proposal:

The proposal consists of *Permission* for the following:

- **Two, 2 storey dwellings** and associated site works on the site and adjacent to an existing 2 storey dwelling. (For clarity the existing dwelling Lynbrook is to remain).
- Proposed dwellings:
 - A: 4 bedrooms 241sqm,
 - B: 5 bedrooms 240sqm.
 - Access is proposed to be by an existing driveway from the Whitechurch Road serving the existing dwelling on site. The driveway will be extended to serve the proposed dwellings,
 - 4 car parking spaces, on site drainage treatment, additional soft and hard landscaping are proposed.

Zoning

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

Consultations

Surface Water Drainage –

Further Information Requested.

Irish Water –

No objection subject to conditions .

H.S.E. Environmental Health Officer No objections subject to conditions.

Public Realm –

Recommend refusal.

Roads -

No report received (refer to previous report)

SEA Sensitivity Screening -

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

Submissions/Observations /Representations

None received.

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Relevant Planning History

Subject site

SD21A/0307 – Permission is sought for the construction of **two, 2 storey dwellings** and associated site works on the site of and adjacent to an existing 2 storey dwelling (for clarity the existing dwelling Lynbrook is to remain);

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

Outcome:

- Additional Information was requested on the 18th of January 2022.
- Additional Information was received on the 23rd of May 2022 (not deemed significant).
- Clarification of Additional Information was requested on 20th of June 2022.
- Clarification of Additional Information was received on 23rd of August 2022.

Planning Note: It is noted that the additional information was requested by South Dublin County Council on the 18th of January 2022. This allows for until the 18th of July 2022 to submit clarification of additional information.

(Application Withdrawn) – *With reference to the above and your submission of Clarification of Additional Information on 23rd August 2022 upon further examination it was noted that six months had elapsed since the request for Further Information.*

Clarification of Additional Information requested on the following:

1. Insufficient information has been submitted in relation to the impact of the proposed development on existing ecology and trees on the subject site as requested under Additional Information Item 2:
 - (a) The submitted tree survey for the adjacent lands does not survey the subject site. So it is unknown what, if any, trees are proposed for removal or how they are impacted. The proposed landscaping in the north of the site might impact existing trees. The Planning Authority also has

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concerns in relation to the proximity of the proposed treatments systems to the existing trees and vegetation along the western boundary. The layout should be revised so that the existing tree and vegetation, especially along the stream and western boundaries, are retained as appropriate. A Tree Survey Report, Arboricultural Impact Assessment Report and Tree Protection Plan should be provided for the subject site.

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

Site to the north

SD22A/0304: The Muddies, Whitechurch Road, Rathfarnham, Dublin 16. Permission **refused** by SDCC for demolition of the existing garage and the construction of a part single, part two-storey three bedroom detached dwelling house in the side garden of the existing two storey dwelling with associated rooflights; creation of a new vehicular entrance and gates to serve the existing dwelling with the existing vehicular entrance serving the new dwelling; installation of a new waste water treatment plant as well as all ancillary and site development works; external insulation and painted rendering of the existing house.

Reasons:

This proposal provides for additional traffic movements on a substandard laneway off Whitechurch Road, which lacks pedestrian and lighting facilities, and would set an undesirable precedent for further similar developments in the area. The proposed development would represent an intensification of use of the substandard road network and would endanger public safety by reason of traffic hazard. Due to said endangerment to public safety and traffic hazard, the development would contravene the 'RES' land-use zoning objective for the area under the South Dublin County Development Plan 2022 - 2028, which reads, 'To protect and/or improve residential amenity.' Thus the proposed development would contravene the proper planning and sustainable development of the area.

SD21A/0303: The Muddies, Whitechurch Road, Rathfarnham, Dublin 16. Permission **refused** by SDCC for demolition of existing garage and construction of a part single, part two storey 3-bedroom detached dwelling in side garden of existing dwelling; associated rooflights; new vehicular entrance with new pillar and gate; all ancillary site and landscaping works.

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The reasons for refusal are listed in full in the 'Overcoming Reasons for Refusal' section under the 'Assessment'.

Adjacent site to west

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

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

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

Relevant Enforcement History

None relevant to the subject application.

Pre-Planning Consultation

PP059/21 (for previous application SD21A/0307)

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

Relevant Policy in South Dublin County Development Plan (2022 - 2028)

Chapter 2 Core Strategy and Settlement Strategy

Policy CS6 Objective 3: Infill Development outside Dublin City and Suburbs, in existing urban built-up areas.

Policy CS11 Rural Areas

Chapter 3 Natural, Cultural and Built Heritage

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Policy NCBH21 Venacular/Traditional and Older Buildings, Estates and Streetscapes
NCBH21 Objective 3: Encourage retention of older buildings
NCBH21 Objective 4: Ensure infill is sympathetic to the architectural interest, character and visual amenity of the area.

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.

Chapter 6 Housing

Section 6.8 Residential Consolidation

Policy H13 Residential Consolidation

Chapter 7 Strategic Road Network

Policy SM4: Strategic Road Network

SM4 SLO1:

To ensure that development on these lands at Whitechurch / Edmondstown is facilitated through a comprehensive transport needs assessment, to identify all necessary transport infrastructure, its preferred location, and the appropriate delivery mechanisms in consultation with relevant stakeholders. The transport needs assessment shall have regard to existing environmental sensitivities in the area.

Chapter 11 Infrastructure and Environmental Services

Section 11.1 Water Supply and Wastewater

Policy IE2 Water Supply and Wastewater

IE2 Objective 9: Public Foul Sewerage

Section 11.2 Surface water and groundwater

Chapter 12 Implementation

Section 12.6.8 Residential Consolidation

(i) Infill Sites

(ii) Corner/Side Garden Sites

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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.

Relevant Government Policy

Ministerial 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.

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

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

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

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

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

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

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

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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).

Assessment

The main issues for assessment relate to:

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

Zoning and Council Policy

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in the South Dublin County Development Plan 2022 - 2028, and other relevant policies and objectives of the Plan. Development inside gardens is guided by section 12.6.8 of the Plan.

Assessment of subject proposal noting the recent site history under SD21A/0307 for the same proposal.

An identical proposal as stated was withdrawn under SD21A/0307 due to six months elapsing since the request for Further Information. The subject proposal responds to the same Additional Information Requests and Clarification of Additional Information Requests under the previous proposal as noted by the applicant in cover letter from *Brock Finucane Architecture* dated 19th October 2022:

- *An identical application for planning permission for 2 houses was previously submitted to South Dublin Council in November 2021 (Ref: SD21A/0307).*
- *This previous application was "Deemed Withdrawn" by SDCC – The applicants note that this related solely to the 6-month time limitation of further information process.*

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The comments contained in the previous Planner's Report regarding the design of the two houses are noted and reiterated in the below report. Details regarding environmental servicing of the site have been reassessed as per the criteria laid down in the South Dublin County Development Plan 2022 -2028, and other relevant policies and objectives of the Plan.

Notably the Clarification of Additional Information requested on the following:

Insufficient information has been submitted in relation to the impact of the proposed development on existing ecology and trees on the subject site as requested under Additional Information Item 2:

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

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

Assessment

As per the *Brock Finucane Architecture* cover letter and under Item (a) the applicant has submitted by *Dermot Casey Tree Care* ltd the following:

- Arboricultural Survey & Report
- Drawing: Tree Survey under drawing (DR: 0001-01)
- Drawing: Tree Constraints Plan under drawing (DR: 0001-02)

Under Item (b) the applicant has submitted by *Ash Ecology & Environmental* ltd the following:

- Bat Survey Report

And

Under Item (b) the applicant has submitted by *Kerry Ecological Services* the following:

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- Appropriate Assessment Screening.
- Ecological Impact Assessment.

The Public Realm Department are not satisfied with the *Trees* and *Ecological Impact* and has stated the following:

Arboricultural Impact of the Proposed Development

The applicant has provided insufficient information as to the impact of the proposed development on the existing trees contained within the development site - This is not acceptable to the Public Realm Section; and would contravene the following Planning Objectives relating to Trees and Hedgerows within the CDP 2022-2028.

- NCBH11 Objective 3
- NCBH11 Objective 4
- NCBH11 Objective 5

Impact of Development on Green Infrastructure

The Public Realm Section considers that the proposed development is contrary to the following Planning Objectives relating to Green Infrastructure within the CDP 2022-2028.

- GI1 Objective 1
- GI1 Objective 2
- GI1 Objective 3
- GI1 Objective 4

Further recommendation from Public Realm is addressed in the report below, it is considered that given the principle of the development is acceptable these items should be addressed via **additional information**.

Visual and Residential Amenity

Existing Residential Amenity

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

The proposed dwellings would be approx. 13.0m to 22.1m from the front (eastern) boundary, approx. 10.1m from the north boundary, and approx. 7.6m to 16.4m from the rear (western) boundary). Apart from the existing dwelling, the closest dwellings are detached dwellings on sites

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to the west, north and east. The closest of these dwellings is approx. 33.9m (to the east) from the proposed houses.

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

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

Standard of accommodation

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

Visual Amenity

Under the South Dublin County Development Plan 2022 -2028 infill development should be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. The overall subject site is approx. 0.454 ha in size.

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

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

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Landscape

The Public Realm Section has reviewed the proposed development and recommends refusal, the report states the following concerns:

- Impacts of the development on existing trees and local biodiversity including lack of suitable mitigation or compensation measures and proximity of the proposed development to the Whitechurch Stream (<10m), this contravenes policy GI3 Objective 3: To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site
- Lack of information provided in relation to existing trees within the subject site and potential impacts of the proposed development on these existing trees.
- Lack of GI Plan and GSF calculator worksheet. The applicant is required to achieve a minimum GSF score of 0.5 for the development site.
- Lack of SUDS Plan
- Potential impacts on Ecology and on bats (foraging routes)

South Dublin County Council's Tree Management Policy "Living with Trees" 2021-2026

South Dublin County Council Tree Management Policy "Living with Trees" 2021-2026 contains information within Chapter 7 Tree and Development that relates to the retention, protection and planting of trees within development sites. Relevant Points within this section include:

The Council will use its powers to ensure that where it is conducive with the objectives of the County Development Plan, and other planning objectives, there is maximum retention of trees on new development sites.

The Council will use its powers to ensure that where it is conducive with the objectives of the County Development Plan, and other planning objectives there is maximum retention of tree on new development sites

In the processing of planning applications, the council will seek the retention of trees of high amenity/environmental value taking consideration of both their individual merit and their interest as part of a group of broader landscape features

On construction sites all work must be in accordance with British Standard 5837 (2012): Trees in Relation to Design, Demolition and Construction – Recommendations.

The Council will promote the replacement of trees removed to facilitate approved planning and development of urban spaces, buildings, streets, roads, infrastructure projects and private development sites.

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Public Realm Comments:

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

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

Existing trees and green Infrastructure:

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

Proximity of development to the Whitechurch stream (Riparian Corridor)

The development site is located within the Whitechurch Stream Riparian Corridor area which is also identified as a Secondary GI link (L14 Whitechurch Stream) on Figure 4.4 Green Infrastructure Strategy Map within the CDP 2022-2028. In addition, the proposed buildings appear to be within the required minimum 10m set back from Riparian Corridor under GI3 Objective 3. This is not acceptable to the Public Realm Section as it directly contravenes stated policy and objectives relating to riparian sets backs and Green Infrastructure. New developments within the riparian corridors (Riparian Corridors are shown on the Development Plan GI Map, refer also to section 4.2.2 of this chapter) should be avoided or minimised. As stated within the CDP 2022-2028; riparian Corridors are the focal point for much of the world's freshwater. These areas are seen to be important in terms of biogeochemical processing and subsequent ecosystem service provision. They have a proven role in controlling the movement and processing of waterborne pollutants. The relationship between riparian areas and nutrient processing is widely known, by acting as buffers between upland areas and open water, they help treat pollutants. Riparian vegetation acts with flow, sediment and topography to influence channel form, instream habitat, nutrient dynamics, temperature and flow patterns.

Designating and maintaining riparian corridors along the major watercourses and their tributaries is key to maximising ecosystem services provided by the watercourses. Vegetative riparian buffers provide for ecosystem services in the following ways:

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Interception and reduction of potential pollutants from both agricultural and urban sources;

- Attenuating flood waters;
- Bank stabilisation;
- Reducing runoff volumes;
- Habitat provision and refuge;
- Ecological corridors;
- Vegetal debris that falls into the watercourse is an important source of nutrients for instream biota;
- Thermal shading of watercourse;
- Amenity value.

Arboricultural Impact

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

Landscape Plan

The applicant has failed to provide a landscape Plan for the proposed Development. The applicant is required to provide a detailed landscape scheme which helps to integrate the development into the local landscape and through suitable boundary planting provides visual screening, mitigation of negative visual effects and which improves local biodiversity and green infrastructure links. The Landscape Plan should be prepared by a suitably qualified landscape consultant/designer. The landscape Plan shall include details of hard and soft landscaping. The Landscape Plan should be prepared by a suitably qualified landscape architect.

Green Infrastructure

As required under Section 12.4.2 of the CDP 2022-2028, 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.

Green Space Factor

The GSF is a score-based requirement that establishes minimum standards for landscaping and GI provision in new developments. Minimum scoring requirements are based on the land-use zoning of a site (See GI5 Objective 4), this applies to all development comprising 2 or more residential units and any development with a floor area in excess of 500 sq.m. Qualifying developments are required to reach the minimum Green Space Factor (GSF) score established by their land use zoning. Developers can improve their score by both retaining and enhancing existing landscape features and incorporating new features. A developer will be required to specify the GSF measures included

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within a proposed development as part of the submitted Green Infrastructure Plan and Landscape Plan. A Green Space Factor Guidance Note will also be made available on the Council's website under the Development Plan section setting out the applicable weightings and scorings. Where applicable, a completed worksheet shall be submitted with the Green Infrastructure Plan and Landscape Plan in support of a proposed development

SUDS

There is a lack of SuDS (Sustainable Drainage Systems) shown for the proposed development. Natural SUDS features shall be incorporated into the proposed drainage system. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022.

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

Proximity of Development to the Whitechurch Stream

The location/proximity (<10m) of the proposed development to the Whitechurch Stream contravenes the following Planning Objectives relating to Riparian Corridors within the CDP 2022-2028:

- GI3 Objective 1
- I3 Objective 2
- GI3 Objective 3

Arboricultural Impact of the Proposed Development

The applicant has provided insufficient information as to the impact of the proposed development on the existing trees contained within the development site - This is not acceptable to the Public Realm Section; and would contravene the following Planning Objectives relating to Trees and Hedgerows within the CDP 2022-2028.

- NCBH11 Objective 3
- NCBH11 Objective 4
- NCBH11 Objective 5

Impact of Development on Green Infrastructure

The Public Realm Section considers that the proposed development is contrary to the following Planning Objectives relating to Green Infrastructure within the CDP 2022-2028.

- GI1 Objective 1
- GI1 Objective 2
- GI1 Objective 3

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- GI1 Objective 4

In the event that it is proposed to request ADDITIONAL INFORMATION then the following information should be requested from the applicant:

Landscape Design Proposals

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:

The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.

The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.

The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDS features including swales and integrated/bio-retention tree pits.

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

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

Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.

Boundary Treatment

The applicant is requested to submit elevation drawings specifying the proposed boundary treatment to the front of the site.

Sustainable Drainage Systems

(A) The applicant should demonstrate compliance with the SDCC SUDS Design Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.

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(B) In relation to SUDs, the applicant is requested to submit plans showing how surface water shall be attenuated to greenfield run off rates and showing what SuDS (Sustainable Drainage Systems) are proposed.

(C) SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.

(D) Natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development. Note: If tree pits are proposed, SuDS bioretention Tree pits to be installed in trees within /draining areas of hard standing. Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

(E) The applicant is requested to submit a report to show surface water attenuation calculations for proposed development. Show on a report and drawing what surface water attenuation capacity each SuDS (Sustainable Drainage System) system has in m³. Show in report what surface water attenuation capacity is required for proposed development. Show what different surface types, areas in m² are proposed such as, green roofs, permeable paving, buildings, roads and their respective run off coefficients. Submit a drawing showing the treatment train of SuDS and proposed natural flow controls for each SuDS system.

Green Infrastructure & GSF

The applicant is requested to provide additional information as follows and in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

(a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.

(b) To demonstrate how the appropriate Green Space Factor (GSF) will be achieved for the relevant land use zoning objective.

Riparian Zone/Set back

The applicant is advised that the Public Realm Section has some concerns in relation to the impact of the proposed development on biodiversity, in particular, the set back from the Whitechurch Stream and loss of existing hedgerows. In this context the applicant is requested to submit the following:

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A re-designed site layout plan showing the proposed pitches set back a minimum of 10m from the top bank of the Camac River as per Green Infrastructure GI3 Objective 3 of the South Dublin County Development Plan 2022-2028

Site specific riparian planting proposals along the riverbank in order to enhance and protect the Green/Blue infrastructure of the site and to provide biodiversity and habitat enhancement measures. Environmental Impact Assessment Report

The applicant shall submit an Environmental Impact Assessment Report for the approval of the Public Realm Section

Alien Invasive Plant Species Survey

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

Notwithstanding the recommendation from Public Realm Department for refusal, these items should be addressed via **additional information**. It is noted that the proposed development was assessed under the previous development plan. The principle of the development is acceptable. The issue of EIAR is addressed by way of a preliminary screening to the end of this report. The proposals would be required to adhere to the policies and objectives of the South Dublin County Development Plan 2022 - 2028.

Green Infrastructure

In accordance with 12.4.2 Green Infrastructure and Development Management. Applications for single houses will also require the submission of a GI Infrastructure Plan which may be incorporated into the proposed landscape plan. It states "*Applications for extensions or single houses will also require the submission of a GI Infrastructure Plan which may be incorporated into the proposed landscape plan. This should clearly incorporate GI elements and provide links to local 'Stepping-Stones', Cores and Corridors where appropriate. Some smaller scale development may require more detailed GI Infrastructure Plans. Depending on location and context of the site, this will be decided on a case-by-case basis.*

Regardless of development size or type, applicants must submit an overall site summary quantifying and detailing the following:

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

This information will be submitted in a digital format agreed with the Council to allow amalgamation and reporting on tree and hedgerow cover within the County over time".

It is considered that the main elements of the Green Infrastructure Plan are covered in the requirements of the Public Realm report and shall be required by **additional information**.

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Access and Parking

A report was not received from the Roads Department, however having regard to an identical proposal under SD21A/0307 the following was noted:

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

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

Services and Drainage

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

1. *The proposed development is too close to adjacent stream at 5m. Water Services require a minimum setback distance of 10m from proposed development to the top of bank of adjacent Stream east of site.*

Submit a drawing in plan and cross-sectional view showing the setback distance from edge of driveway development to the top of bank of adjacent stream. The distance should be taken at the narrowest point between edge of entrance driveway to the top of bank of adjacent stream east of site.

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

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

Environmental Health

The H.S.E. Environmental Health Officer has reviewed the proposed development and have no objections, the report states the following :

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Noise

1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that : The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours • Before 07.00 hours on weekdays, Monday to Friday • Before 09.00 hours on Saturdays. • After 19.00 hours on weekdays, Monday to Friday. • After 13.00 hours on Saturdays. • Not permitted at any time on Sundays, Bank Holidays or Public Holidays. 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.

Air Quality

2. During the construction 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. Reason: To contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

Wastewater Treatment

3 The proposed wastewater treatment systems shall be located, installed and operated in accordance with the details submitted to the Planning Authority on 26/10/2022 and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009. Reason: In the interest of public health.

4 A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system. Reason: In the interest of public health in order to ensure adequate drainage provision.

5 Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment

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*and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.
Reason: In the interest of public health in order to ensure adequate drainage provision.*

The report from the EHO is noted, an identical proposal under SD21A/0307 had been submitted. The applicant addressed the previous concerns of the H.S.E. Environmental Health Officer via Further Information regarding the requirements for wastewater if a treatment system to remain on site.

Screening for Environmental Impact Assessment

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

Screening for Appropriate Assessment

The applicant has provided information to assist the screening for Appropriate Assessment, with a report from *Kerry Ecological Services* dated March 2022. The report concludes that *based on the above assessment, there is no expected impact on any Natura 2000 site hosting designated and noatable habitats and species. As such, there will be no impact on the Conservation Objectives for any Natura 2000 site (NPWS database)*

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area, and
- the nature and scale of the proposed development,

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

Recommendation

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

1. The applicant is requested to submit the following:
 - (a) A detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant

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shall provide the following additional information:

The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.

(b) The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.

The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.

(i)The applicant shall significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site.

(ii)Demonstrate how natural SUDS features can be incorporated into the design of the proposed Development.

(c) Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.

Boundary Treatment

The applicant is requested to submit elevation drawings specifying the proposed boundary treatment to the front of the site.

Sustainable Drainage Systems

(A) The applicant should demonstrate compliance with the SDCC SUDS Design Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.

(B) In relation to SUDs, the applicant is requested to submit plans showing how surface water shall be attenuated to greenfield run off rates and showing what SuDS (Sustainable Drainage Systems) are proposed.

(C) SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.

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(i) The applicant is requested to submit the following:

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REG. REF. SD22A/0403

LOCATION: Lynbrook, Whitechurch Road, Rathfarnham, D16T2P7



**Deirdre Kirwan,
Senior Executive Planner**

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

Date: 13/12/22



Gormla O'Corrain, Senior Planner