

Comhairle Chontae Atha Cliath Theas

PR/0095/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0023 **Application Date:** 28-Jan-2022
Submission Type: Additional **Registration Date:** 21-Dec-2022
Information

Correspondence Name and Address: Robert Turley 2, The Crescent, Pipers Hill, Naas, Kildare

Proposed Development: (i) Construction of 1 two storey two-bedroom, infill dwelling serviced by private amenity space to rear and 1 on-curtilage vehicular parking space accessible via Barrack Court; (ii) provision of 2 replacement vehicular parking spaces for use by residents of Barrack Court; and (iii) all ancillary works, inclusive of SuDs surface water drainage, site works, boundary treatments and landscaping necessary to facilitate development.

Location: Lands to rear of The Copper Kettle Coffee Shop, Main Street, Rathcoole, Co. Dublin

Applicant Name: Garocal Limited

Application Type: Permission

Description of Site and Surroundings

Site Area:

Stated as 0.03 Hectares.

Site Description:

The subject site is located to the rear of the Copper Kettle Café, which is a Protected Structure, located off the northern side of Main Street Rathcoole, with access from Barrack Court to the east of the site. The site is narrow and is bound to the north and west by the residential development Aubrey Manor, with two storey units situated immediately west of the site. The rear amenity space of these units borders the site. An existing residential development, Barrack Court is situated to the east of the site, containing two storey terrace units. The site itself is bounded by a wall, with the southern boundary directly abutting a Protected Structure. The site is also situated within Rathcoole Village Architectural Conservation Area (ACA).

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Proposal

The proposed development involves:

- Construction of a detached, part 1 to part 2 storey dwelling with a flat roof the single storey portion and a pitched roof to the two storey portion. The dwelling has an approximate gross floor area of 100.6sqm and is comprised of an entrance hall, store/utility room, toilet, kitchen/living/dining area and study/bedroom at ground floor level and a bedroom and bathroom at first floor level. The proposed dwelling has a maximum overall height of approximately 6.58m.
- The proposed dwelling includes the following fenestration pattern:
 - **Front (southern) elevation** – The principal entrance door and 2 windows at ground floor level and 1 centrally located window at first floor level.
 - **Side (western) elevation** – 1 high level window with obscured glazing at ground floor level and no fenestration at first floor level.
 - **Side (eastern) elevation** – 1 glazed patio door at ground floor level and no fenestration at first floor level.
 - **Rear (northern) elevation** – 1 access door and 2 glazed patio doors at ground floor level and 2 windows with obscured glazing at first floor level.
 - **Rooflight** – The proposal also includes 1 rooflight in the single storey flat roofed portion of the dwelling, above the kitchen/living/dining area.
- The provision of one off -street, car parking space;
- The proposed dwelling requires the removal of 2 existing car parking spaces adjacent to the western boundary of the subject site. However, 2 replacement vehicular parking spaces for use by residents of Barrack Court are proposed adjacent to the southern boundary; and
- All associated site works above and below ground including drainage, boundary treatment and landscaping.

Zoning

The subject site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'* with 'VC' - *'To protect, improve and provide for the future development of Village Centres'* situated to the south.

The subject site lies within the Rathcoole Architectural Conservation Area and a short distance from a Protected Structure known as the Copper Kettle (Ref. 317) and Rathcoole village (Ref. DU021-030), both of which lie to

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Consultations

Drainage and Water Services: Additional information requested.

Irish Water: Additional information requested.

Parks and Landscape Services / Public Realm Department: No objection subject to conditions.

Roads: Additional information requested.

Heritage Officer: No report received at time of writing.

Architectural Conservation Officer: No report received at time of writing.

Transport Infrastructure Ireland: No objection.

An Taisce: Application should be assessed with regard to impact on the amenity of the area and the relevant provisions of the South Dublin County Development Plan 2016-2022.

SEA Sensitivity Screening

Indicates overlap with the following environmental layers:

- Rathcoole Village Architectural Conservation Area
- Protected Structures – Copper Kettle (RPS Ref. 317)
- Areas of Archaeological Potential
- Record of Monuments and Places - DU021-030 Rathcoole Village

Submissions/Observations /Representations

Two submissions were received objecting to the proposed development. The main points of concern relate to the following:

- Insufficient space for construction machinery in Barrack Court.
- Impact on existing car parking in Barrack Court, which is already insufficient.
- Scale and massing of the proposal constitutes overdevelopment of the site.
- Overbearing and detrimental impact on adjacent properties.
- Overshadowing of main living areas of adjacent properties.
- Impact on residential and visual amenity of surrounding properties, particularly in Barrack Court and Aubrey Manor.
- Proximity to conservation area.

The submissions lodged have been considered in the overall assessment of the proposed development.

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Relevant Planning History

Subject site

SD19A/0128 and ABP Ref. 307316-20

Construction of one two storey, detached 2 bedroom (plus study) dwelling with 1 off street parking space; relocation of 2 parking spaces from Barrack Court; access roadway; footpath and all associated ancillary works including drainage, boundary treatment and landscaping.

SDCC Decision: Refuse Permission. **ABP Decision:** Refuse Permission.

ABP Refusal Reason

'The proposed development would constitute overdevelopment of a restricted site, which would have an overbearing and dominant impact on adjoining residential property to the west, and which would directly overlook the adjoining residential property to the north, to a degree which would unacceptably reduce privacy levels. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.'

SD18A/0138 and ABP-302075-18

Planning permission **refused** by South Dublin County Council and **refused** by An Bord Pleanála on appeal for two 2 storey, detached 3 bedroom (plus study) dwelling houses, with 2 off street parking spaces, relocation of 2 existing parking spaces from Barrack Court, adjacent to the site, onto the site, new access roadway, footpath and all associated ancillary works including drainage, boundary treatment, landscaping etc.

ABP Refusal Reason 1:

'The proposed development constitutes over-development on a restricted site, which would result in over-shadowing and overlooking of adjoining residential property, which would seriously injure the amenities or depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

ABP Refusal Reason 2:

'The proposed relocation of two parking spaces within the Barrack Court residential development would represent a loss of amenity for residents entitled to use those spaces. The vehicular manoeuvres required of motorists using the relocated spaces would necessitate excessive reversing which would constitute a traffic hazard. The positioning of the relocated parking spaces would seriously injure the visual amenities of future residents of the new houses and the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and development of the area.'

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ABP Refusal Reason 3:

'The Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that the applicant has established that the ground is suitable for disposal of surface water within rear garden soakways. The proposed development would give rise to the risk of flooding of the site or adjoining sites which would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area'.

SD03A/0286

Two storey detached house together with the relocating of the existing car parking adjacent to the site. Site access as agreed with South Dublin County Council and associated site development and ancillary works.

Decision: Grant permission.

Adjacent sites

SD14A/0093

Construction of 1 3-bedroom with study 1.5 storey with second floor in roof space end of terrace house (C Type) and 1 3-bedroom with study 2 storey with second floor in roof space mid terrace house (C1 Type) along with all other ancillary site development works on lands previously granted planning permission under Reg. Ref. SD13A/0238.

Decision: Grant permission.

SD13A/0238

Construction of 3 4-bedroom, 2 storey mid and end of terraced houses with double garages (A & B Type); 3 4-bedroom, 2 storey with second floor in roof space mid and end of terraced houses (C, C1 & C2 Type); 6 3-bedroom, 2 storey with second floor in roof space mid and end of terraced houses (D & D1 Type); 8 4-bedroom with study, 2 storey with second floor in roof space semi-detached houses (E Type); 8 3-bedroom with study, 2 storey mid and end of terraced houses with second floor in roof space and pend entrances to rear gardens (F & F1 Type); 1 4-bedroom 2 storey end of terrace house with second floor in roof space (F2 Type), along with all other ancillary site development works; permission is also sought for new entrance to the proposed development along with vehicular and pedestrian access from the Main Street of Rathcoole Village through the existing Eaton Development.

Decision: Grant permission.

S00A/0279

Demolish 2 existing dwellings and construct 27 (2 storey with dormer) apartments in 3 courtyard blocks, landscaping, car parking and associated site works.

Decision: Grant permission.

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S99A/0157

39 apartments in courtyard blocks.

Decision: Refuse permission.

Relevant Enforcement History

S6696 – Removal of wall with regard to SD03A/0286 and dumping.

Pre-Planning Consultation

None recorded for this Planning Application, however the below outlined Pre-Planning Consultation previously took place in relation to the subject site.

PP199/18

The applicant was advised the following:

- A similar development for two dwellings was recently refused by South Dublin County Council and An Bord Pleanala on appeal - SD18A/0138 and ABP-302075-18. Therefore, any subsequent proposal on this site will have to clearly demonstrate how they have overcome all of the previous reasons for refusal.
- I recommend that you consult the Planner's report for SD18A/0138 which set out a number of concerns and issues of the Planning Authority. The proposal in SD18A/0138 was considered to constitute an unacceptable loss of residential and visual amenity, leading to overshadowing and having an overbearing impact. It was also considered that the development of this site constituted challenges from an Urban Design perspective, having regard to the orientation, proximity of adjoining dwellings and the back land nature of the site.
- It is noted that the proposed dwelling has a limited separation distance to Aubrey Manor to the west. This is strongly cautioned, having regard to the previous planning assessment and the decision of An Bord Pleanala.
- Internal accommodation, including storage will have to demonstrate compliance with Development Plan and National Standards. A Quality Housing Assessment should be submitted demonstrating this.
- It was previously flagged by the Architectural Conservation Officer that no Architectural Impact Assessment was submitted, given the proximity to a Protected Structure and location within the Architectural Conservation Area.
- Concerns were raised by South Dublin County Council and An Bord Pleanala relating to drainage. This should be adequately addressed as part of any further submission. You may wish to contact South Dublin County Council's Drainage Department. SUDS should be incorporated as part of any further application.
- Details on landscaping and boundary treatment would be required.

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- You may wish to contact the following South Dublin County Council Departments/Sections: Water Services; Roads; Parks and Landscape Services; Architectural Conservation.

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

UC Policy 3 - Village Centres

It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.

HCL Policy 1 – Overarching

HCL Policy 4 Architectural Conservation Areas

HCL4 Objective 2: To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.

HCL4 Objective 3: To address dereliction and promote appropriate and sensitive reuse and rehabilitation of buildings, building features and sites within Architectural Conservation Areas.

HCL Policy 5 - Older Buildings, Estates and Streetscapes

HCL5 Objective 4: To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.

11.5.3 – Architectural Conservation Areas

11.5.4 – Older Buildings, Estates and Streetscapes

H Policy 17 – Residential Consolidation:

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H17 Objective 1: To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

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H17 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

Section 11.2.1 Design Statements

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) Infill Sites

Development on Infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. 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. Larger sites will have more flexibility to define an independent character.
- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.
- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

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Relevant Government Guidelines

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

Architectural Heritage Protection: Guidelines for Planning Authorities, Department of Arts, Heritage and the Gaeltacht (2011).

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

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

Planning Note

Section 6.5 of the Planning Report prepared by Hughes Planning & Development Consultants states that:

*'The proposed dwelling will sit directly west of No. 8 Barrack Court, an existing residential dwelling **under the ownership of the Applicant.**' [Emphasis added]*

Article 22(2)(b)(ii) of the Planning and Development Regulations 2001-2021 states that a planning application shall be accompanied by drawings marked so as to identify clearly:

'(ii) any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the Applicant or the person who owns the land which is subject of the Applicant in blue.'

It is noted that the Site Location Map and Proposed Site Plan do not include No. 8 Barrack Court outlined in blue. In this regard, the Applicant should be requested to provide ADDITIONAL INFORMATION either clarifying the ownership status of No. 8 Barrack Court or providing amended drawings which clearly identify No. 8 Barrack Court as being within the Applicant's ownership.

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Assessment

The main issues for assessment are:

- Zoning and Council policy
- Previous Reason for Refusal
- Visual impact and Residential Amenity
- Floor Area and Amenity Space Standards
- Impact on Rathcoole Village Architectural Conservation Area and Protected Structure
- Access and Parking
- Landscaping
- Drainage and Water Services
- Screening for Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The proposed dwelling is located in an area which is zoned 'RES' - *'To protect and/or improve residential amenity'*. The lands adjacent to the south of the subject site are subject to Zoning objective 'VC' - *'To protect, improve and provide for the future development of Village Centres'*. A residential development is permitted in principle in 'RES' subject to its design being in accordance with the relevant provisions in the County Development Plan.

H17 Objective 2 seeks to *'maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation'*.

An infill/backland residential development is accepted in principle, subject to compliance with design and residential amenity (discussed under 'Visual Impact and Design' and 'Residential Amenity' below) and considering the site-specific context.

The site is located within Rathcoole Village Architectural Conservation Area. Infill development should comply with HCL5 Objective 4 *'To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area'*. This will be assessed further below.

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Previous Reason for Refusal

Both South Dublin County Council and An Bord Pleanála previously refused permission for a similar development proposed under *SD19A/0128 and ABP Ref. 307316-20*, with the Board citing the following reason for refusal:

'The proposal constitutes overdevelopment of a restricted site, which would have an overbearing and dominant impact on adjoining residential property to the west and which would directly overlook the adjoining residential property to the north, to a degree which would unacceptably reduce privacy levels. The development would therefore seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.'

The Applicant has applied a number of amendments to the previous proposal in an effort to address the previous reason for refusal, including but not limited to:

- The footprint of the proposed dwelling has been reduced, particularly at first floor level. However, it is considered the potential for overbearance to adjoining properties is assessed further throughout this Report to ascertain whether or not the previous concerns have been addressed.
- Obscure glazing has been provided to the bathroom and hall windows at first floor level facing north towards the rear amenity space of the dwellings within Aubrey Manor. This would address previous concerns regarding the potential for overlooking to the north and the unacceptable reduction in privacy levels.
- The proposed soakaway has been re-located away from the rear garden and shared boundary wall with adjoining properties.

Whilst it is considered that the Applicant has attempted to address the concerns outlined in the previous reason for refusal, a further detailed assessment of the proposed development is outlined throughout this Report to ascertain whether or not the concerns have been sufficiently addressed.

Visual Impact and Residential Amenity

The proposed development would involve the construction of a two storey house on a site to the rear of the Copper Kettle Café, situated to the north of Main Street, Rathcoole, to the west of the Barrack Court residential development and to the east and south of the Aubrey Manor residential development. The proposed development would involve the removal of the existing wall situated at the end of the cul de sac, the removal and relocation of 2 No. existing on-street parking spaces and the construction of a two storey dwelling with a maximum overall height of 6.58m, adjacent to and generally in line with the building line created by Nos. 2, 4, 6 and 8

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Barrack Court to the east. The two relocated parking spaces would be situated to the south of the site, adjacent to the rear yard of the Copper Kettle Café.

The proposed dwelling would generally sit well within the surrounding receiving context of the residential dwellings to the west, without having a significant impact on the streetscape. However, concerns remain regarding the potential for the proposal to impact on the residential amenity of surrounding properties.

The Planning Authority previously noted serious concerns regarding the overbearing visual impact that development at the subject site would have on surrounding properties, specifically the adjacent dwellings in Aubrey Manor, immediately west of the site and the rear amenity space of properties to the north and east of the site. An Bord Pleanála also expressed concerns that the proposal would result in overlooking, overshadowing, overbearance, essentially amounting to the overdevelopment of the subject site.

In comparison to the previous proposals, it is noted that the footprint of the proposed dwelling has been reduced, along with the overall height and profile of the roof. The floor area of the ground floor level has been reduced to increase the setback distance to properties to the north and west of the site. The footprint of the first floor level has also been reduced and it is noted that fenestration has been minimised to the more sensitive elevations, with obscure glazing applied to ground floor level window in the western elevation and first floor level windows in the northern elevation. While it is noted that the Applicant has attempted to reduce the impact the proposal would have on properties adjacent to the subject site, the Planning Authority considers that insufficient information has been provided to fully allay the concerns raised in the assessment of previous applications.

It is noted that the Applicant has provided a Shadow Analysis prepared by Sketchrender Limited. However, the Report only includes shadow diagrams with no reference to Daylight and Sunlight amenity of the proposed dwelling and adjoining properties. Having regard to the proximity of the proposed dwelling to No. 8 Barrack Court, the Planning Authority is not satisfied that the Applicant has sufficiently demonstrated the proposed development will not adversely impact the visual and residential amenity of adjoining properties. In this regard, the Applicant should be requested to provide by way of ADDITIONAL INFORMATION a detailed Shadow, Daylight and Sunlight Assessment of the potential impact on adjoining properties, with specific reference to the relevant BRE Guidance on impacts on the level of Daylight and Sunlight received by the primary habitable windows and private open spaces of the adjoining residential dwellings.

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Floor Area and Amenity Space Standards

The proposed development comprises the construction of a two storey, two bedroom house. The target gross floor area for a two bedroom four person dwelling is 80sq.m, as outlined in *Quality Housing for Sustainable Communities: Best Practice Guidelines* (DOEHLG 2007). The proposed dwelling has an approximate Gross Floor Area of 100.6sq.m, which would exceed the overall target set out in the aforementioned guidelines.

The minimum open space requirements for a two bedroom house is 55sq.m, as outlined in Table 11.20 of the South Dublin County Development Plan. The rear garden is stated to be c. 50sq.m, which is below the minimum requirement.

The Planning Authority does acknowledge that in relation to Residential Consolidation, Section 11.3.2(i) of the Development Plan states that:

'Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling subdivision, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park.'

Having regard to the lack of Public Open Space in the vicinity of the subject site and the insufficient justification provided by the Applicant, the shortfall in the proposed private amenity space is unacceptable to the Planning Authority. In this regard, the Applicant should be requested to amend the design of the subject scheme by way of ADDITIONAL INFORMATION to ensure the minimum Private Amenity Space standards are achieved.

Should permission ultimately be granted for the proposed dwelling, considering the limited private amenity space, it would be considered reasonable to attach a CONDITION which removes exempted development rights and requires all further extensions to seek planning permission.

Impact on Rathcoole Village Architectural Conservation Area and Protected Structure

Rathcoole Village was designated an Architectural Conservation Area in order to protect and manage the historic and vernacular streetscape and the external façades and features of buildings which add character to the overall streetscape composition. Having regard to the nature of development proposed, it is not considered that the proposed structure would impact negatively on the Architectural Conservation Area of Rathcoole Village. The file was referred to the Architectural Conservation Officer, but no report was received at the time of writing this Report. It is noted that a report was received relating to SD18A/0138, and no objections were noted. It is not considered that the nature of the proposal would negatively impact on the Protected Structure, south of the subject site, on Main Street.

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Access and Parking

A report received from the Roads Department has indicated that the following ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development:

- Clarification is required as to whether the Applicant has legal ownership of the Barrack Court internal access and circulation road, footpaths and car parking spaces or whether the Applicant has the legal right/consent to amend the existing car parking layout.
- The Applicant shall submit a detailed Construction Traffic Management Plan.
- The Applicant shall submit a Construction & Demolition Waste Management Plan (C&DWMP), to include details of the number of loads, haulage routes, times of works, etc.
- The Applicant shall submit a site layout plan of not less than 1:100 scale, showing a swept path analysis drawing (i.e., AutoTRAK or similar) demonstrating:
 - a. how cars access/egress the proposed new parking spaces
 - b. that fire tenders and large refuse vehicles can access/egress the site.
- The Applicant shall state whether a new pedestrian entrance is proposed to the rear of the coffee shop leading into the new development.

It is noted that a number of objections have raised concerns in relation to car parking and traffic. The proposed development includes one car parking space for the dwelling and relocates the two existing on-street, car parking spaces to the south of the site.

In refusing permission for the development proposed under SD18A/0138 and ABP-302075-18 An Bord Pleanála's second reason for refusal stated:

'The proposed relocation of two parking spaces within the Barrack Court residential development would represent a loss of amenity for residents entitled to use those spaces. The vehicular manoeuvres required of motorists using the relocated spaces would necessitate excessive reversing which would constitute a traffic hazard. The positioning of the relocated parking spaces would seriously injure the visual amenities of future residents of the new houses and the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and development of the area.'

It is noted by the Roads Department that the Applicant has not provided sufficient information to demonstrate that the re-located car park spaces can be safely accessed and navigated. In this regard, an AutoTrak analysis drawing is required to facilitate a complete assessment of the proposed development. This can be provided by way of ADDITIONAL INFORMATION.

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It is noted by the Roads Department that the Barrack Court development is not taken in charge. It is also noted that it is unclear how the area to the rear of the Copper Kettle will be accessed and used. The indicated right of way through Barrack Court, as shown on the site layout plan has been extended through to the proposed site, with 2 No. existing car parking spaces re-located to facilitate the proposed development. Clarification is required as to whether the Applicant has a legal right or sufficient consent to utilise the existing right of way, to amend the car parking layout within the existing right of way and whether any access will be provided to the rear of the Copper Kettle café.

Having regard to the comments and recommendation of the Roads Department and the nature and position of the relocated parking spaces to the south of the site, it is considered that **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development.

Landscaping

A report received from the Parks and Landscape Services / Public Realm Department has noted no objections, subject to conditions relating to the Landscape and Planting Plan for the proposal.

Drainage and Water Services

Reports received from the Drainage and Water Services Department of South Dublin County Council and Irish Water indicated that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

- It is not shown who did percolation tests for the site or when or where the tests were carried out. Submit a report and drawing to show who carried out the percolation tests, when the percolation tests were carried out and what location were the percolation tests carried out. Report and drawing shall comply with BRE Digest 365 Standards.
- Submit a drawing in plan and cross-sectional view showing design details of Proposed soakaway as per BRE Digest 365 Standards.
- Submit a drawing showing the distance between proposed soakaway and proposed foul drain. Note there shall be a minimum clear distance of 3m from soakaway to foul drain. Proposed soakaway shall also be a minimum of 5m from a building and 3m from a boundary wall and this shall be shown on a drawing and submitted.
- Submit a drawing in plan and cross-sectional view showing what SuDS are proposed and where they are proposed.

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Examples of SuDS include:

- Permeable Paving
- Green Roofs
- Planter boxes
- Water butts
- Other such SuDS

A Report received from Irish Water indicated that the following ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development:

- Obtain a Confirmation of Feasibility letter from Irish Water regarding the proposed water supply network and submit same to the Drainage and Water Services Department of South Dublin County Council.
- Obtain a Confirmation of Feasibility letter from Irish Water regarding the proposed wastewater network and submit same to the Drainage and Water Services Department of South Dublin County Council.

Having regard to the Reports of both Irish Water and the Drainage and Water Services Department, it is noted that ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development.

Screening for Appropriate Assessment

The subject site is not located directly within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises a single dwelling. Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

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

Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need

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for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

Conclusion

Whilst the principle of the proposed development is accepted at the subject site, it is considered that ADDITIONAL INFORMATION should be requested from the applicant to demonstrate that the proposed development has been sufficiently modified to overcome the previous reason for refusal and to ensure there will be no adverse impact on the visual and residential amenity of adjacent properties and the surrounding streetscape.

Recommendation

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

1. Article 22(2)(b)(ii) of the Planning and Development Regulations 2001-2021 states that a planning application shall be accompanied by drawings marked so as to identify clearly: ‘(ii) any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the Applicant or the person who owns the land which is subject of the Applicant in blue.’
It is noted that the Site Location Map and Proposed Site Plan do not include No. 8 Barrack Court outlined in blue. In this regard, the applicant is requested to provide amended drawings which clearly identify No. 8 Barrack Court as being within the applicant's ownership i.e., outlined in blue.
2. It is noted that the proposed private amenity space falls below the minimum standard outlined in Table 11.20 of the South Dublin County Development Plan. In this regard, the applicant is requested to provide revised drawings demonstrating compliance with the minimum standards for Private Amenity Space.
3. The applicant is requested to provide a detailed Daylight, Sunlight and Shadow Assessment and Report, having particular regard to the relevant BRE Guidelines and the potential impact the proposed development may have on the surrounding properties.
4. The applicant is requested to provide the following information to facilitate a complete assessment of the access and parking arrangements for the proposed development:
 - Clarification is required as to whether the Applicant has legal ownership of the Barrack Court internal access and circulation road, footpaths and car parking spaces or whether the applicant has the legal right/consent to amend the existing car parking layout. The applicant is requested to submit:
 - A detailed Construction Traffic Management Plan.

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- A Construction & Demolition Waste Management Plan (C&DWMP), to include details of the number of loads, haulage routes, times of works, etc.
 - A site layout plan of not less than 1:100 scale, showing a swept path analysis drawing (i.e., AutoTRAK or similar) demonstrating:
 - (a) how cars access/egress the proposed new parking spaces
 - (b) that fire tenders and large refuse vehicles can access/egress the site.
 - The applicant is requested to state whether a new pedestrian entrance is proposed to the rear of the coffee shop leading into the new development.
5. The applicant is requested to submit:
- A report and drawing to show who carried out the percolation tests, when the percolation tests were carried out and what location were the percolation tests carried out. Report and drawing shall comply with BRE Digest 365 Standards.
 - A drawing in plan and cross-sectional view showing design details of Proposed soakaway as per BRE Digest 365 Standards.
 - A drawing showing the distance between proposed soakaway and proposed foul drain. Note there shall be a minimum clear distance of 3m from soakaway to foul drain. Proposed soakaway shall also be a minimum of 5m from a building and 3m from a boundary wall and this shall be shown on a drawing and submitted.
 - A drawing in plan and cross-sectional view showing what SuDS are proposed and where they are proposed. Examples of SuDS include Permeable Paving, Green Roofs, Planter Boxes, Water Butts etc.
6. The applicant is requested to obtain:
- A Confirmation of Feasibility letter from Irish Water regarding the proposed water supply network and submit same to the Drainage and Water Services Department of South Dublin County Council.
 - A Confirmation of Feasibility letter from Irish Water regarding the proposed wastewater network and submit same to the Drainage and Water Services Department of South Dublin County Council.

Additional Information

Additional Information was requested on 24th March 2022.

A request for an extension of time to respond to the Request for Additional Information was received on 11th August 2022 from the Agent acting on behalf of the Applicant. In accordance with Article 33(3) of the Planning and Development Regulations 2001 (as amended), the Applicant was granted a time extension up to and including 23rd December 2022 to respond to the Request for Additional Information.

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Additional Information was received on 21st December 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

Assessment

The following Additional Information was received from the Applicant on 21st December 2022:

- Letter of Response prepared by D.C Turley & Associates dated 21st December 2022.
- Drawing No. A01 – General Arrangements prepared by D.C.Turley & Associates.
- Soil Infiltration Test Report prepared by Trinity Green Environmental Consultants.
- Drwing No. 2275-DOB-XX-SI-DR-C-0070 – Proposed Autotracks prepared by Donnachadh O'Brien & Associates Consulting Engineers.
- Outline Construction Management lan prepared by Donnachadh O'Brien & Associates Consulting Engineers.
- Daylight Analysis and Overshadowing Report prepared by H3D.

The Additional Information provided by the Applicant will be assessed below in the context of the 6 No. items of Additional Information requested by the Planning Authority on 24th March 2022:

Additional Information Item No. 1

In response to Additional Information Item No. 1, the Applicant has advised that No. 8 Barrack Court is not now, nor has it ever been, within the ownership of the Applicant.

It would appear that the information originally submitted by the Applicant was inaccurate as Section 6.5 of the Planning Report states that the No. 8 Barrack Court as 'an existing residential dwelling under the ownership of the Applicant'. Although this discrepancy is unfortunate, it has no bearing on the outcome of this Planning Application and the matter has been clarified by the Applicant's Additional Information submission.

The Applicant has therefore satisfactorily addressed Additional Information Item No. 1.

Additional Information Item No. 2

Drawing A01 General Arrangements prepared by D.C.Turley & Associates appears ti indicate that the design of the proposed development has been revised, with the revisions resulting in at least 55 sqm private amenity space to the rear of the proposed dwelling.

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Additional Information Item No. 3

The Applicant has provided a Daylight, Sunlight, Shadow Assessment Report prepared by H3D.

The Assessment appears to indicate some level of impact to adjacent properties in terms of overshadowing and no significant impact on the vertical sky component of windows to adjacent properties and sunlight to rear amenity spaces.

It is considered that Additional Information Item No. 3 has been satisfactorily addressed.

Additional Information Item No. 4

The Applicant's Response to each item within Additional Information Item No. 4 is outlined below, along with an assessment of the response:

- (i) *'Regarding the Applicant's legal ownership of the Barrack Court internal access and circulation road, footpaths and car parking spaces or whether the Applicant has the legal right or consent to amend the existing car parking layout, please find correspondence dated 3rd May 2002 enclosed detailing an agreement which was reached between the previous owner of The Copper Kettle, Mr Shea Fitzsimons and South Dublin County Council in respect of Mr Fitzsimon's right to access the site and the current applicant is requesting that a similar agreement be negotiated with the Local Authority on this occasion, given that Mr Fitzsimons' Planning Application in 2003, for similar development, was ultimately granted.'*

The Report of the Roads Department provides the following assessment of the Applicant's Response to item (i):

'It cannot be ascertained from the response above whether the applicant claims to have the legal right to make amendments to the existing estate. Applicant it seems intends to negotiate with the local authority so that an agreement can/could be reached'.

It is considered that the Applicant's Response to item (i) has not sufficiently demonstrated a legal right/consent to amend the existing car parking and road layout.

- (ii) The Applicant has provided a Construction Traffic Management Plan & Construction & Demolition Waste Management Plan prepared by Donnachadh O'Brien & Associates.

The Report of the Roads Department has identified the following issues with the Construction Traffic Management Plan & Construction & Demolition Waste Management Plan:

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- a. *2no. existing parking spaces in Barrack Court would be lost, for the duration of the project, if the project were to commence (project duration 6-9months) and there is no allowance made in the plans to provide alternative arrangements for the loss of this amenity during the construction stage.*
- b. *There is a lack of clarity as to how the site would be serviced by delivery vehicles:*
- i. A set-down area on the main street is mentioned but is not indicated on a drawing.*
 - ii. How would material be brought from set-down area to site?*
 - iii. AutoTRAK of delivery movements would be required.*
- c. *Applicant states: "5.3.3 Parking for construction staff vehicles will be available in the compound". The applicant has not demonstrated how this would happen. The site is severely constrained by its size and location. Applicant would need to detail how the many vehicles (including cars, vans, trailers, forklift, etc) would safely operate, turn and park within the confines of this site. No additional parking has been detailed in the submission that would accommodate the assorted trade vehicles that would require dedicated parking arrangements.*
- d. *Some deliveries would need to be made directly to the site. Applicant will need to document how this could be safely carried out including AutoTRAK analysis.*
- (iii) Drawing No. 2275-DOB-XX-SI-DR-C-0070 prepared by Donnachadh O'Brien & Associates Consulting Engineers show sweepth path analysis indicating how cars will access and egress the proposed parking spaces and how fire tenders and large refuse vehicles will service the site.

The Roads Department have provided the following assessment of the Applicant's Response to item (iii):

- (a) There are three spaces shown in the AutoTRAK above and two spaces shown in another drawing that was submitted which means the submission is unclear.*

The applicant proposes to use one of the 3no parking spaces above as a reversing area. This proposal is not acceptable to the roads department for reasons of safety and also of availability.

6m is required behind all perpendicular parking spaces and this has not been demonstrated within the documentation submitted.

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(b) The proposal that refuses service trucks reverse through the estate and around a tight corner, with little clearance to the footpath, to reach the new dwelling is not acceptable to the roads department for safety reasons.

(iv) The Applicant has indicated that no proposed pedestrian access from the rear of the Copper Kettle Café into the proposed development.

This response is deemed appropriate by the Roads Department.

Having regard to the above outlined assessment of the Applicants Response to Additional Information Item No. 4, the Report of the Roads Department recommends that permission should be REFUSED for the proposed development on the grounds of traffic and pedestrian safety concerns, inadequate access and parking arrangements. It is therefore considered that Additional Information Item No. 4 has not been satisfactorily addressed and permission should be REFUSED for the proposed development.

Additional Information Item No. 5

The Applicant has provided a Report prepared by Trinity Green Environmental Services in relation to the proposed soakaway tests and a drawing indicating the proposed soakaway in both plan and cross-section (Drawing No. A01 – General Arrangements prepared by D.C.Turley & Associates) with separation distances to the foul sewer, proposed dwelling and nearest boundaries indicated. Drawing No. A01 also indicates the inclusion of SuDS measures such as water butts and permeable paving.

The Drainage and Water Services Department have assessed the plans and particulars provided by the Applicant, with their Report indicating no objection, subject to **CONDITIONS**.

It is considered that Additional Information Item No. 5 has been satisfactorily addressed.

Additional Information Item No. 6

In response to Additional Information Item No. 6, the Applicant has indicated that a Confirmation of Feasibility Letter in respect of both water and wastewater is enclosed. However, no such enclosure appears to have been included with the Applicant's Response.

Owing to apparent omission of the Confirmation of Feasibility Letter from Irish Water, it is considered that Additional Information Item No. 6 has not been satisfactorily addressed. However, it is considered that if the Planning Authority were minded to Grant Permission, a **CONDITION** could be attached requiring the provision of a Confirmation of Feasibility Letter prior to the commencement of development on site.

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Other Considerations

South Dublin County Development Plan 2022-2028

Since this Planning Application was submitted, the South Dublin County Development Plan 2022-2028 was adopted on 3rd August 2022.

It is noted that the zoning of the subject site remains 'RES', with 'VC' situated to the south and that there has been no significant change to the policies and objectives within the Development Plan which would alter the above outlined assessment of the proposed development.

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, the Planning History of the site including 2 No. previous refusals of planning permission and outstanding concerns regarding the access arrangements and pedestrian and traffic safety, a **REFUSAL** of planning permission is recommended. The proposed development would create a traffic safety hazard and would be contrary to the proper planning and sustainable development of the area.

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. Vehicular Access, Traffic and Pedestrian Safety

Having regard to the content of the South Dublin County Development Plan 2022-2028, namely Policy SM7 Objective 10, Policy SM7 Objective 11 and the content of Section 12.6.8, it is considered that the Applicant has not sufficiently demonstrated legal interest or appropriate consent to utilise the indicated right of way through Barrack Court and has failed to demonstrate the successful deliverability of the revised car parking arrangement for the existing and proposed residential units without compromising the comfort and safety of pedestrians, cyclists and residents within Barrack Court. The proposed development would, therefore, be contrary to the proper planning and development of the area.

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REG. REF. SD22A/0023

LOCATION: Lands to rear of The Copper Kettle Coffee Shop, Main Street, Rathcoole,
Co. Dublin

Colm Harte

Colm Harte,
Senior Executive 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: 26/1/23

Gormla O'Corrain

Gormla O'Corrain, Senior Planner