

# Comhairle Chontae Atha Cliath Theas

**PR/0108/23**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0444      **Application Date:** 24-Nov-2022  
**Submission Type:** New Application      **Registration Date:** 24-Nov-2022

**Correspondence Name and Address:** Mary Kelleher Mervue Business Park, Tuam Toad, Galway, H91 VW84

**Proposed Development:** The provision of 4 no. 5 bedroom 2.5 storey semi-detached houses and associated car parking, private open space, site landscaping, connection to existing services as well as the provision of vehicular access from Knocklyon Road and all associated site development works.

**Location:** Knocklyon Road, Knocklyon, Dublin 16.

**Applicant Name:** Pathway Homes Ltd

**Application Type:** Permission

(COS)

### **Description of Site and Surroundings**

Site Area: stated as 0.0843 Hectares on the application form.  
Site Visit: 21<sup>st</sup> of December 2022.

### **Site Description**

The site is located on Knocklyon Road in Knocklyon. The site consists of an area of grassed open space. The site is bounded on the north-west and north-east by the rear gardens of houses fronting Delaford Avenue. Along the south-eastern boundary of the site is a footpath that runs from Knocklyon Road and continues along the rear of the houses on Delaford Avenue and provides connections to Delaford Avenue and the wider housing area.

### **Proposal**

Permission for the provision of 4 no. 5 bedroom 2.5 storey semi-detached houses and associated car parking, private open space, site landscaping, connection to existing services as well as the provision of vehicular access from Knocklyon Road and all associated site development works.

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### **Zoning**

The subject site is largely zoned 'RES': *'To protect and / or improve residential amenity'* under the 2022-2028 CDP. A strip of land along the south-eastern boundary is zoned 'OS': *'To preserve and provide for open space and recreational amenities'*.

### **Consultations**

Water Services	Additional information requested.
Irish Water	No objection subject to conditions.
Roads Department	Additional information requested.
Public Realm	Recommend refusal.
Heritage Officer	No report received at the time of writing this report.

SEA Sensitivity Screening – the subject site overlaps with aviation layers Take Off Climb Surfaces, Approach Surfaces and Outer Horizontal Surface for Casement and Bird Hazards.

### **Submissions/Observations/Representations**

Submissions expiry date 6<sup>th</sup> of January 2022.

17 no. third party submissions were received. These submissions have been reviewed in full and are summarised as follows:

*Status/use of site as open space:*

- The site has a long established use for nearly fifty years as a public open space. Integral part of the original planning permission for the housing estate and denoted as a play area on the plans. Would require material alteration of the planning permission.
- Would leave no dedicated open space for the Delaford area.
- The permitted school across the road reduced open green space. this proposed development will further reduce open green space in the area.
- Deed of dedication for the site. Has been dedicated to Council as an area of open space.
- Query the ownership status of the site.
- The site is not considered to be underutilised. It is a well and widely used area of open space. Apart from last year as used as a car/van park during construction of the new school. One of only a few green spaces available for recreational use by the residents in the area.
- Pathway is a valuable pedestrian route.
- The area of open space a visual break along the road.
- Remaining strip open space is unusable as open space in a meaningful way.

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- Private landscaping proposed on other side of public walkway to the rear of houses fronting Knocklyon Road not realistic and contravening public space dedication.

### *Impact on residential amenity:*

- Proposed development does not meet RES zoning objective as does not protect or improve existing residential amenity. Residential amenity would be adversely impacted.
- Concerns with proposed separation distances. Bedroom roof windows facing to the rear. Impact overlooking and privacy. Reduced standards.
- Size of proposed houses out of proportion/scale with existing surrounding. Higher than existing surrounding houses. Ground level is higher than the existing adjoining rear gardens.
- Concerns with stability of existing boundary walls. Changes in ground level between site and adjoining lands. Use of retaining walls. Overlooking over walls. Sections to show the relationship at various points along the boundaries.
- Query detail in relation to boundary wall onto public footpath.
- Due to the height would be overlooking adjoining gardens and houses.
- Height would impede/eliminate daylight and sunlight to adjoining residential properties.
- Templeroan Road development considered a good example of infill development.
- Concerns with proposed private amenity spaces

### *Access and parking:*

- Direct access points onto Knocklyon Road a safety issue. Proximity to junctions/entrances to estates. Area already busy due to school drop offs and collection. Direct singular vehicular access from Knocklyon Road is not the usual along this road.
- Would result in an increase in traffic accident risk. Due to size of houses would result in multiple car households further contributing to traffic accident risks.
- Impact the use of the school layby.
- Insufficient car parking proposed. No provision for visitor parking. Car parking an existing issue on Knocklyon Road.

### *Green infrastructure and wildlife:*

- Protection of existing semi mature and mature trees along the grass verge on Knocklyon Road and to the rear of the back garden boundary walls.
- Impact on wildlife.

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### *Flooding:*

- Risk of flooding would be significantly increased. Not clear what changes in the existing ground level are proposed.
- Would impact flooding and waterlogging of adjoining existing rear gardens.
- Proposal would result in the removal of absorbent ground.

### *Other:*

- Idle housing sites under construction in the area.
- Expansion of housing supply in the area but no play facilities/playground.
- Orientation of drawings incorrect.

All submissions have been reviewed in full and taken into consideration in the assessment of the proposed development.

### **Relevant Planning History**

#### ***Overall Knocklyon Woods Housing Estate***

C2040

Residential development of 485 no. houses. **Permission granted. This planning permission is discussed further below in the assessment of the subject application.**

#### ***Adjoining and surrounding sites***

SD03B/0452 No. 31 Delaford Avenue

Retention for the replacement of the original flat roof with tiled pitched roof over the garage to the side and entrance porch to the front. **Permission for retention granted.**

SD21A/0053 Gaelscoil Chnoc Liamhna

Modify the previously approved planning application under Ref. SD18A/0372. The amendments include: raising of the first and second finished floor levels by 550mm each, with associated facade changes including amending the windows and parapets heights - overall ridge height of approved building will be unchanged; Raising of the finished floor level of the second floor level roof garden at the rear of the building by 1100mm, including amending the parapet height; relocate windows serving classroom 5 & 11 from the west facing elevation to the north facing elevation. **Permission granted.**

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SD18A/0372 Gaelscoil Chnoc Liamhna

(a) 3 storey permanent primary school building containing 16 en-suite classrooms, 1 general purpose room, 1 library/resource room, 1 multi-purpose room, 3 special education tuition rooms, all associated staff and pupil ancillary accommodation/facilities, roof garden, PV solar panels on the south facing pitched roofs and external building signage; (b) 2 ball courts with associated perimeter fencing; (c) junior play areas; (d) car parking for staff and visitors; (e) formation of a drop off bay for 10 cars, relocation of pedestrian crossing and provision for new pedestrian crossing, all on the Knocklyon Road; (f) realignment of access road and junction from Knocklyon Road including provision for new and realigned footpaths including shared cycle/pedestrian paths to both north and south of the junction; (g) all associated site works including boundary walls/fencing with signage, entrance gates, connection to public storm drainage via an attenuation system, connection to public foul drainage at Delaford Ave, public lighting, bike shelter, landscaping and temporary site compound. **Permission granted.**

### **Relevant Enforcement History**

None identified in APAS.

### **Pre-Planning Consultation**

None identified in APAS.

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

*Policy NCBH1: Overarching*

*Policy NCBH2: Biodiversity*

*Policy NCBH3: Natura 2000 Sites*

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

*Policy GI1: Overarching*

*Policy GI2: Biodiversity*

*Policy GI3: Sustainable Water Management*

*Policy GI4: Sustainable Drainage Systems*

*Policy GI5: Climate Resilience*

*Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods*

*Policy QDP3: Neighbourhood Context*

*Policy QDP7: High Quality Design – Development General*

*Policy QDP7: High Quality Design – Street Frontage*

*Policy QDP7: High Quality Design – Adaptability and Inclusivity*

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

*Policy QDP9: High Quality Design - Building Height and Density*

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*Policy QDP10: Mix of Dwelling Types*

*Policy QDP11: Materials, Colours and Textures*

*Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment*

*H1 Objective 12:*

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

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

*Note: Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).*

*Policy H7: Residential Design and Layout*

*Policy H8: Public Open Space*

*Policy H9: Private and Semi-Private Open Space*

*Policy H10: Internal Residential Accommodation*

*Policy H11: Privacy and Security*

*H11 Objective 3:*

*To ensure that private open spaces, where it consists of gardens, are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security. In limited circumstances, some discretion may be provided for where the configuration of the space can provide for private and secure space, to a high quality, elsewhere on the site than behind the building line.*

*Policy H12: Steep or Varying Topography Sites*

*Policy H13: Residential Consolidation*

*Promote and 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.*

*H13 Objective 5:*

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

*Policy SM2: Walking and Cycling*

*Policy SM7: Car Parking and EV Charging*

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*Policy COS5: Parks and Public Open Space – Overarching  
COS5 Objective 7:*

*To require at the sole discretion of the Planning Authority a pro rata contribution in lieu of provision of public open space where, due to the small size, configuration or location of a particular development or on sites with less than three units it is not possible to provide functional public open space on site.*

*Policy E3: Energy Performance in Existing and New Buildings*

*Policy IE2: Water Supply and Wastewater*

*Policy IE3: Surface Water and Groundwater*

*12.3.1 Appropriate Assessment*

*12.3.2 Ecological Protection*

*12.3.3 Environmental Impact Assessment*

*12.4.2 Green Infrastructure and Development Management*

*12.5.1 Universal Design*

*12.5.2 Design Considerations and Statements*

*12.5.3 Density and Building Heights*

*12.5.4 Public Realm: (At the Site Level)*

*12.6.1 Mix of Dwelling Types*

*12.6.3 Unit Tenure*

*12.6.7 Residential Standards*

*12.6.8 Residential Consolidation*

*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 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;*
- While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome, particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a*

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*case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines.*

- Sustainable Urban Housing: Design Standards for New Apartments, 2020;*
- 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 Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: Building Height and Design Guide);*
- Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, 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. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;*
- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;*
- All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance;*
- It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;*
- Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space.*

*12.6.10 Public Open Space*

*12.7.1 Bicycle Parking / Storage Standards*

*12.7.2 Traffic and Transport Assessments*

*12.7.4 Car Parking Standards*

*12.7.5 Car Parking / Charging for Electric Vehicles (EVs)*

*12.7.6 Car Parking Design and Layout*

*12.10.1 Energy Performance in New Buildings*

*12.11.1 Water Management*

*12.11.3 Waste Management*

*12.11.4 Environmental Hazard Management*



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### **Relevant Government Guidelines**

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

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

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

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

*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, (2009).*

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

*Sustainable Urban Housing: Design Standards for New Apartments, Department of Housing, Local Government and Heritage, (2020)*

*Urban Development and Building Heights Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, (2018).*

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

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

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

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

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

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

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### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Use of the site as Open Space;
- Residential Amenity;
- Design and Visual Impact;
- Green Infrastructure and Landscaping;
- Part V Provision;
- Access and Parking;
- Infrastructure and Environmental Services;
- Environmental Impact Assessment; and
- Appropriate Assessment.

### ***Zoning and Council Policy***

The subject site is largely zoned 'RES': *'To protect and / or improve residential amenity'* under the 2022-2028 County Development Plan (CDP). A strip of land along the south-eastern boundary is zoned 'OS': *'To preserve and provide for open space and recreational amenities'*.

The applicant has submitted a map showing the site boundary overlaid on the CDP zoning map. It is noted that the site boundary (red line) on this map differs to the site boundary on the submitted site location map and the Proposed Site Plan Drawing No. 180201-3-102. The site boundary on the later mentioned drawings extends to include the footpath connecting the Knocklyon Woods housing estate to Knocklyon Road, which is zoned OS. This footpath is proposed to be retained as part of the development.

Residential development is permitted in principle under the RES zoning subject to its accordance with the relevant provisions in the CDP with specific reference to Section 12.6.8 Residential Consolidation. The development of the site for residential use is discussed further under the following section of this report.

### ***Use of the site as Open Space***

The application site is subject to a Deed of Dedication in respect of open space at Knocklyon Woods Estate. The Deed of Dedication is between Thomas McInerney & Co. Limited on the one part and the County Council of the County of Dublin on the other part. South Dublin County Council is the successor to the County Council of the County of Dublin in this instance. The Deed is not dated, however the Managers Order authorising the fixing of the Seal to the Deed is dated 11/01/89.

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Under the Deed of Dedication Thomas McInerney & Co. Limited created a public trust in respect of the land attached to the Deed of Dedication whereby it gave up the use of the land *'to the public for use as public open space or such other use or uses that the Council in its discretion considers more beneficial in the interest of the public'*. The Deed of Dedication and annexed drawing identify the application site as one of 5 no. *'Play Spaces'* for the use of the public.

The subject site is currently used and maintained as public open space under this Deed of Dedication. SDCC's Public Realm Department advises that *'The site is dedicated Public Open Space which has been maintained by South Dublin County Council and the Public Realm Section for many years and remains in the management and maintenance of Public Realm. SDCC has a Deed of Dedication for this land from the original Knocklyon Estate Developers, who were required to provide this site as public open space as part of the original development. Public Realm are of the opinion that this open space was then and remains still an important part of the public open space provided by the original development, we object strongly to its proposed change of use.'*

Third party submissions state that the site has a long established use for nearly fifty years as a public open space. The subject site forms part of the network of public open spaces for the original Knocklyon Woods housing estate. The path in the south-eastern part of the subject site connects to a network throughout the wider housing estate. The land has a longstanding history of use as public open space and it is considered that the proposed development if permitted, would result in a loss of high quality amenity space, maintained under a Deed of Dedication, which would have a negative impact on the function, amenity and connectivity of the wider residential area. **Permission should therefore be refused.**

The planning permission for the overall Knocklyon Wood Housing Estate (Reg. Ref. C2040 refers) states the following in the Report of Dublin Planning Officer dated 23rd Dec 1971 includes the following:

*'The application is for permission for the erection of 485 no. dwelling houses on a site of 73-acres in extent fronting to Knocklyon Road at the south side of Firhouse Road at the north and west sides. I have noted Mr. D. McCarthy's report dated 21/12/71 in connection with the additional conditions to be imposed. In the course of this report, he states: ".....note the application refers to 485 dwellings which requires a total open spacing provision comprising 8.01 acres. The local amenity park, 5 No. Play spaces provides for some 3.71 acres leaving a balance of 4.30-acres which should be covered by a cash contribution towards the provision of play fields in the area of the proposed Dodder Valley C.P.'*

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Conditions attached to this planning permission relevant to the subject application:

*(1) That the development be carried out and completed strictly in accordance with the plans and specification lodged with the application, save as is in the conditions hereunder otherwise required.*

*(15) The local Amenity park and 5 No. Play spaces comprising in total some 3.71-acres be reserved for public open space use, soiled, levelled, seeded, landscaped, and made available for use by residents on completion of their dwellings.* [emphasis added in bold by the author of this report]

*(23) All pedestrian ways to have a constructed minimum paved width of 12-ft.*

The decision to grant permission was appealed by a third party(ies). Permission was subsequently granted. Relevant conditions include:

***6. The local amenity park and five play spaces shown on the lodged plans shall be reserved as public open space and shall be soiled, levelled, seeded, landscaped and made available for use by the residents of the houses on the estate.***

The subject site is labelled as one of the 5 no. 'Play Spaces' on the drawing of the Knocklyon Woods Housing Estate annexed to the Deed of Dedication. It is considered that the subject site is one of the 5 no. play spaces referred to as part of the above planning application. It is considered that permitting residential development at this location would materially contravene the condition of a previous permission and therefore would not be in accordance with the proper planning and sustainable development in the area. **Permission should also be refused on this basis.**

The Public Realm Department have reviewed the proposed development and **recommend that permission is refused.** Their full report is as follows:

*Public Realm strongly recommend refusal of planning permission for this application for the following reasons.*

1. *The site is dedicated Public Open Space which has been maintained by South Dublin County Council and the Public Realm Section for many years and remains in the management and maintenance of Public Realm. It has existing community use as Public Open Space which would be lost if this application were approved.*

*SDCC has a Deed of Dedication for this land from the original Knocklyon Estate Developers, who were required to provide this site as public open space as part of the original development. Public Realm are of the opinion that this open space was then and remains still an important part of the public open space provided by the original development, we object strongly to its proposed change of use.*

2. *There is strong precedent for the refusal of applications on land which is Dedicated Public Open Space.*

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*In application SD08A/0567 SDCC refused permission because the legal status of the land as Public Open Space precludes the development of the land for private residential purposes and noted that the development would set an undesirable precedent.*

*Application SD16A/0015 refused permission for two houses on an area of open space. The refusal noted the development would seriously injure the amenities and depreciate the existing property and land in the vicinity.*

3. *Green Infrastructure (GI) – The development will result in fragmentation of the existing Green Infrastructure. The proposals have not sufficiently demonstrated compliance with GI policies in the County Development Plan. The applicants have not submitted a GI Plan. The Applicants have not supplied the required information on the Green Space Factor required for every development. GI Networks include open spaces, trees and amenity areas and this application will result in a loss of all this GI elements.*

4. *Street Trees: The development would result in the loss of 2 large street trees and have a negative effect of the streetscape.*

5. *There is an existing extensive network of walking and cycling routes that extend from this open space area into the existing Knocklyon estate. It provides sustainable routes from the large residential area to the east of the site; to the school to the west (under upgrade), the local church and another school to the east, other open spaces and community centre and Knocklyon District Centre. It will be an important link to the major cycle route being provided by SDCC under NTA funding that is currently under development. The proposed development would completely overshadow the entrance to this existing walkway through the open space (between Knocklyon Rd and Delaford Avenue) and make it less safe for pedestrians including children travelling to the nearby primary school.*

6. *SUDS – The current proposals are not in line with the Councils Sustainable Drainage Policies.*

*Public open space is one of South Dublin County's most precious resources. It has a particular role in relation to the setting and function of the urban neighbourhoods of the County and is central to the delivery of sustainable communities and the promotion of biodiversity. It also allows for nature-based solutions for surface water management (SuDS) and the improvement of water quality and mitigation of climate change. Access to good quality open spaces and opportunities for sport and recreation also make an essential contribution to the health and well-being of local communities.*

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*The overarching aim of the Council in the provision of parks and open space is to encourage the development of a well-connected and integrated public open space network that contributes towards achieving a broad range of policy objectives, including:*

- *Improving community, health and wellbeing – Parks and open spaces provide a valuable role as a sanctuary for the community; the benefits of engaging with the natural world are now widely understood to be particularly beneficial to mental and physical health;*
- *Enhancing visual amenity – Parks and open spaces form an attractive green and open setting which enhances the character of urban neighbourhoods in particular;*
- *Promoting sustainable development – Parks and open spaces contribute to sustainable development objectives where they are appropriately located and accessible by walking, cycling and public transport;*
- *Promoting climate change adaption and mitigation – Parks and open spaces provide opportunities for sustainable drainage while trees and plants perform a vital role by capturing and storing carbon;*
- *Reinforcing Green Infrastructure – Parks and open spaces are core elements in the County's green infrastructure network (see Chapter 4: Green Infrastructure);*
- *Promotion of biodiversity – Parks and open spaces offer opportunities to conserve and restore biodiversity and ecosystems. They are often focused on natural environments such as river valleys which support valuable wildlife habitats; parks also offer opportunities to increase pollinator-friendly planting;*
- *Supporting culture and heritage – Parks and open spaces often contain heritage elements and play host to many outdoor community, arts and cultural events.*

Given the above, it is not considered the principle of the proposed development is acceptable and permission should therefore be **refused**.

### ***Residential Amenity***

#### **Existing Residential Amenity**

The subject site is an existing area of open space adjoining, to the north/north-west and north-east/east, the rear boundaries of residential properties facing Delaford Avenue. The ground level of the site slopes down towards the north and north-eastern corner of the site. The adjoining residential development consists of two storey semi-detached dwellings. The wider residential area consists of single or two storey semi-detached or detached dwellings of similar design and character.

The proposed 4 no. dwellings would be 2.5 storeys (including habitable 'attic' level) and semi-detached. The dwellings would be approx. 10.0m in overall height. Due to the changes in levels across the site, the northmost proposed dwellings would be approx. 0.6m lower in finished

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floor level and overall height than the southernmost proposed dwellings. The levels also change across the adjoining residential properties on Delaford Avenue.

The proposed dwellings would be higher in height than adjoining residential dwellings. The southernmost proposed dwellings would be approx. 3.7m higher in overall height than the existing dwellings located directly to the east/north-east. The proposed dwellings would be located approx. 16.4m from the dwellings located to the east/north-east of the site. The dwellings step down to single storey to the rear (east). The first floor windows would be approx. 8.6m from the rear boundary and 19.2m from the dwellings located to the east/north-east.

The dwellings are located approx. 28.1m from dwellings located to the north/north-west of the site. The side elevation of the northernmost dwelling, House No. 01, would be approx. 2.2m from the north/north-west boundary. The windows above ground level on this side elevation would have obscure glazing.

The applicant has submitted a Daylight Analysis and Overshadowing report. This report finds that the proposed development would not cause an unacceptable overshadowing impact on the neighbouring properties.

Given the location, scale and form of the proposed dwellings it is not considered that the proposal would have unacceptable overbearing, overlooking or overshadowing impacts on existing residential properties.

### **Standard of Proposed Accommodation**

The proposed houses would be approx. 167sq.m in size, exceeding the minimum floorspace requirements of the 2022-2028 CDP and Quality Housing Guidelines 2007. The proposed internal accommodation, including the bedrooms, would meet or exceed the minimum requirements of the 2022-2028 CDP and Quality Housing Guidelines 2007.

Table 3.20 'Minimum Standards for Houses' contained within the CDP sets out the quantum of private open space that should be provided. A 5 no. bedroom should have 70sq.m. The proposed private amenity spaces would be approx. 70sq.m or 71sq.m or 71.4sq.m. in size. The narrow strips of open space to the side of the dwellings are not considered to contribute to the provision of usable private amenity space. There would also be a change in levels across the spaces. The under-provision of usable and good quality private amenity space would suggest the proposed overdevelopment of the site.

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In the event of a request for additional information it would be considered appropriate to request a revision to ensure the proposal would provide adequate private amenity space. Because the principle of development on this site is not considered acceptable, and refusal is recommended, additional information is not appropriate in this instance. It is therefore considered that the inadequate private amenity space is proposed, suggesting overdevelopment of the site, and permission should be **refused** on this basis.

No public open space is proposed onsite. The subject site incorporates the footpath along the south, which is zoned Open Space. Under s.12.6.8 of the CDP, subject to appropriate safeguards to protect residential amenity, reduced public open space standards may be considered for infill development. 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. The proposal is considered insufficient in terms of private open space and would result in loss of an existing public open space.

### *Design and Visual Impact*

The site is approx. 0.843ha in size, allowing for a degree of flexibility to define independent character. The proposed external materials and finishes include a buff brick and nap plaster. This would match or complement the surrounding existing residential development. The proposed dwellings would have pitched roofs, integrating with the form of surrounding residential development, albeit at a higher height and slope. There is no existing front building line at this location along Knocklyon Road. The proposed dwellings have been setback from the streetscape to provide for car parking in front. The design and form of the dwellings are considered to integrate well with existing surrounding residential development.

### *Green Infrastructure and Landscaping*

The subject site is located in proximity to a Primary GI Corridor and Secondary GI Link as identified on Figure 4.4: Green Infrastructure Strategy Map in the CDP. The proposed development would result in the loss of an area of open space. The Planning Authority and Public Realm would have concerns with the loss of this green space. The applicant has also not sufficiently demonstrated compliance with GI policies in the County Development Plan. The impact on open space provision and green infrastructure is not considered to be acceptable and therefore should be **refused**.

### *Part V Provision*

There is currently an application in for a Certificate of Exemption from Section 96 of the Planning and Development Act 2000, as amended. Additional information has been requested in relation to this application. In the event a Certificate of Exemption is not obtained, and planning permission is granted, a Part V condition should be attached.



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### ***Access and Parking***

The proposed development would involve the construction of two new vehicular accesses onto Knocklyon Road. The Roads Department have reviewed the proposed development and recommend that additional information is requested:

#### *Access & Roads Layout:*

*The site is adjacent to Knocklyon Road. It is proposed that access will consist of two exits onto Knocklyon Road. This is of concern to Roads. It is bounded to the north and east by residential developments and to the south by a pedestrian walkway.*

*It is noted that the proposed development is opposite a new Gaelscoil.*

#### *Car Parking:*

*The applicant proposes 4 no. car parking spaces.*

*Roads considers this to be acceptable.*

#### *Additional Information requested by SDCC:*

- 1. There are an excessive number of exits onto the road*
- 2. The applicant to provide a written confirmation from the Parks Department agreeing to the removal of the trees adjacent to Knocklyon Road*
- 3. The applicant to provide a revised drawing of not less than 1:200 scale showing a minimum of 6m from the boundary to the front elevation of the proposed dwellings.*
- 4. The applicant to provide a revised drawing of not less than 1:200 scale showing details and locations of existing or proposed signage, so they do not create a hazard.*

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

- 1. The vehicular access points shall be limited to a width of 3.5 meters.*
- 2. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
- 3. All car parking spaces shall be constructed to be capable of accommodating future charging points as outlined in SDCC CDP section 12.7.5*
- 4. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*
- 5. Prior to commencement a Public Lighting Design for the development must be submitted and agreed by the South Dublin County Council Lighting Department.*

In the event of a request for additional information it would be considered appropriate to request the above to ensure that the traffic safety implications of the proposed development are

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fully understood prior to a final decision. A number of submissions raised concerns regarding traffic and parking, and it is not considered that these items have been adequately considered in the applicant's documentation to date.

Because the principle of development on this site is not considered acceptable, and refusal is recommended, additional information is not appropriate in this instance. It is therefore considered that the applicant has provided insufficient information in relation to access and traffic safety and should be **refused** on this basis.

### *Infrastructure and Environmental Services*

Water Services have reviewed the proposed development and **request additional information** in relation to surface water:

*1.1 The applicant is required to submit drawings of the existing and proposed Surface Water Layout for the site.*

*1.2 The applicant is required to submit a design report and drawings in plan and cross-sectional view proposing an alternative means of managing surface water runoff from the site, ensuring that surface water discharged to a public surface water sewer at greenfield discharge rates.*

*1.3 The applicant shall include additional SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*

- *Permeable pavement*
- *Raingarden planters with overflow connection to a public surface water sewer*
- *Swales and rill channels*
- *Grasscrete*
- *{suds-householder-s-guide.pdf (sdcc.ie)}*

As stated previously in this report additional information will not be sought. The proposed development is considered inadequate in terms of green infrastructure and sustainable urban drainage systems.

Third party submitters have raised concerns in relation to flooding and the impact the proposed development might have on surrounding properties in relation to this. The applicant has submitted a Flood Risk Assessment, prepared by Jennings O'Donovan Consulting Engineers, which concludes that the proposed works would not result in any significant changes in risk of flooding. Water Services have no objection to the proposal in relation to flood risk.

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Irish Water have reviewed the proposed development and have no objection subject to a condition that water supply and wastewater connection agreement(s) with Irish Water are submitted prior to the commencement of development.

### *Environmental Impact Assessment*

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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 submitted an Appropriate Assessment Screening Report prepared by AVIRO Environmental Management. This report concludes that this application, whether individually or in combination with other plans and projects, will have no impact upon any Natura 2000 sites. The report concludes that this application does not need to proceed to Stage 2 of the Appropriate Assessment process.

The subject site is not located within nor within close proximity to a European site. The development involves the redevelopment of the site to include 11 no. apartments, a new commercial unit and the existing public house and commercial unit.

Having regard to:

- the nature of the development,
- the location of the development in a serviced 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.

### Conclusion

Having regard to the Deed of Dedication pertaining to the site, conditions of the housing estate's planning permission(s), provisions of the South Dublin County Development Plan 2022-2028, and concerns raised by the Roads Department in relation to access and traffic safety, it is considered that planning permission should be **refused**.

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### **Recommendation**

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

### **SCHEDULE**

#### **REASON(S)**

1. Notwithstanding the zoning objective of the application site, 'RES' which seeks to protect and improve residential amenity, the application site is subject to a Deed of Dedication of public open space. The intention of the Deed of Dedication is to commit this area to the public for use as public space and for the Council to utilise and maintain the land in the interest of the public. The subject land has a longstanding history of use as public open space and it is considered that the proposed development if permitted, would result in a loss of an existing high quality amenity space which would have a negative impact on the function, amenity and connectivity of the wider residential area.
2. The proposed development would materially contravene a condition attached to the planning permission for the existing Knocklyon Woods housing estate which identifies 5 no. areas within the development to be utilised as 'play space', one of which pertains to the subject lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed residential accommodation is considered substandard in relation to private amenity space. The under-provision of usable and good quality private amenity space would suggest the proposal would be an overdevelopment of the site. In addition, insufficient information has been submitted in relation to the proposed vehicular accesses, to the satisfaction of SDCC's Roads Department. It is considered that proposed development would provide insufficient amenities to prospective occupants and is contrary to the proper planning and sustainable development of the area.

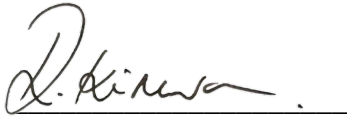
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**REG. REF. SD22A/0444**

**LOCATION: Knocklyon Road, Knocklyon, Dublin 16.**



**Deirdre Kirwan,  
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:** 30/01/23



**Gormla O'Corrain, Senior Planner**