

# Comhairle Chontae Atha Cliath Theas

**PR/0163/23**

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

**Reg. Reference:** SD22A/0320      **Application Date:** 02-Aug-2022  
**Submission Type:** Additional      **Registration Date:** 16-Jan-2023  
Information

**Correspondence Name and Address:** George Boyle Designs Fumbally Exchange HQ,  
Argus House, Malpas Street, Blackpitts, Dublin 8,  
D08 Y273

**Proposed Development:** Two storey three bed Ancillary Dwelling Unit (ADU) with mezzanine loft, solar panels, porch, veranda deck, terrace and associated site works, utilities, landscaping, facilities and services, on site of and adjacent to existing single storey family bungalow (retained); The ADU will share existing entrance gateway and is accessed via a private new avenue to private courtyard with parking for two cars.

**Location:** Rathinree, Esker Lane, Lucan, Co. Dublin, K78 X2C4

**Applicant Name:** Eoin & Nora Hickey

**Application Type:** Permission

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

#### Site Description

The subject site is an irregular shape site with an approximate area of 0.5Ha, containing an existing single storey dwelling, an ancillary workshop/garage structure and a garden studio. The majority of the subject site is comprised of landscaped gardens associated with the existing dwelling, with the boundary treatment of mature trees along the northern boundary and dense hedgerow along the eastern, southern and western boundaries providing privacy to the subject site.

The subject site has a generally flat topography and is bound to the southeast, south and west by a private access road for adjacent residential dwellings known as 'Esker Lane', to the north by playing pitches associated with Coláiste Phádraig Secondary School and to the west by Esker Pines Apartments. The N4 is located approximately 15m to the east of the subject site, the other side of which lies Willsbrook Park which is connected to Esker Lane via a pedestrian footbridge over the N4.

#### Site Area

Stated as 0.4978Ha.

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### Planning Note

There are a number of discrepancies/deficiencies in the information provided by the Applicant:

- **Statutory Notices** – The development description included in the Statutory Notices and Application form describe the proposed dwelling as a '2-storey, 3-bed Ancillary Dwelling Unit (ADU) with mezzanine loft.' However, the internal layout shown on the Floor Plan drawings provided by the Applicant appear to show a 4 No. bedroom dwelling. It is also considered that, owing to the irregular roof profile of the proposed dwelling, the height would be more accurately described as part 2 No. to part 3 No. storeys.

It is considered that the discrepancy in the development description is minor in nature and would not preclude third parties from providing an observation or submission in relation to the proposal. For the purposes of the assessment of the proposed development outlined under a separate heading within this Report, the proposed dwelling shall be treated as a 4 No. bedroom dwelling.

It is noted from the documentation provided by the Applicant that initial consideration was given to proposing a family flat. However, it is noted that instead the proposed dwelling of this Planning Application is intended for use as a home for family members of the residents of the existing dwelling on the subject site. As such, irrespective of the description in the Statutory Notices of an *Ancillary Dwelling Unit*, the proposed dwelling shall be assessed having regard to the policies and objectives contained within the Development Plan pertaining to residential consolidation.

- **Boundary Treatment** - The drawings provided by the Applicant appear to indicate the removal of a section of dense hedgerow along the western boundary of the subject site. However, no detail has been provided in relation to the proposed boundary treatment in this area. In this regard, the Applicant should be requested by way of **ADDITIONAL INFORMATION** to provide plan, sectional and elevational drawings demonstrating the existing and proposed boundary treatments to facilitate a complete assessment and understanding of the extent of hedgerow removal and the proposed boundary treatment at the subject site.

### Proposal:

Permission is sought for the following:

- Provision of a proposed part 2 No. to part 3 No. storey four bedroom dwelling has an approximate gross floor area of 156.5 sq.m and is comprised of an entrance hall, kitchen/living/dining area, pantry, utility, 1 No. bedroom and a bathroom at ground floor level. There is a stairs and lift leading to a first floor level comprised of 3 No. bedrooms (one of which is ensuite), 2 No. bathrooms and a store room.

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- The roof profile of the proposed dwelling has an irregular sloped shape, with 2 No. main ridge lines, one with an approximate ridge height of 8m and the other with an approximate height of 7.5m. The proposal includes 4 No. rooflights and PV Panels.
- The proposed dwelling includes the addition of a 3.2m wide washed pebble access road connecting to the existing vehicular entrance to the subject site and leading to 2 No. car parking spaces with a grasscrete hammerhead section for turning.
- All associated site works above and below ground.

### **Zoning:**

The subject site is subject to zoning objective RES - 'To protect and / or improve Residential Amenity' in the South Dublin County Development Plan 2022-2028.

### **Consultations:**

Drainage and Water Services Department – Additional Information required.

Irish Water – No objection, subject to conditions.

Roads Department – No objection.

Parks and Public Realm Department – No objection.

### **SEA Sensitivity Screening**

No overlap indicated with the relevant environmental layers.

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

Final date for submissions/observations – 5<sup>th</sup> September 2022.

None received.

### **Relevant Planning History**

#### **Subject Site**

The existing dwelling on the subject site appears to have been subject to modifications, however there is no recent relevant Planning History recorded for the subject site.

#### **Adjacent Sites**

**S01A/0117** - Site adjoining 'Rathinree' Esker Lane, Ballydowd, Lucan, Co. Dublin.

Erection of a single storey detached dwelling with accommodation in roof space adjacent to units 1 & 2, Block 1, of approved residential development (reg. ref. S99A/0186 & P.L.06S.116451).

**SDCC Decision:** Refuse Permission with reasons relating to tree removal and impact on open space associated with adjacent residential development.

**S99A/0186** - Site adjoining 'Rathinree' Esker Lane, Ballydowd, Lucan, Co. Dublin.

Erection of 21 no. apartments and 9 no. duplex units comprising 3 no. 2 storey blocks with accommodation in roof space and using access off Esker Lane.

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**SDCC Decision:** Grant Permission, subject to conditions. The decision of SDCC was subject to an appeal to An Bord Pleanála (ABP Ref.: PL06S.116451).

**ABP Decision:** Grant Permission, subject to conditions.

### **Relevant Enforcement History**

None recorded for subject site.

### **Pre-Planning Consultation**

None recorded for subject site.

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

*Chapter 3 Natural, Cultural and Built Heritage*

*Policy NCBH3 Natura 2000 Sites*

*NCBH3 Objective 3 (Appropriate Assessment)*

*Chapter 4 Green Infrastructure*

*Policy G11 Overarching*

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

*Policy G12 Biodiversity*

*G12 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.*

*Policy G14 Sustainable Drainage Systems*

*G14 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

*Chapter 6 Housing*

*Section 6.8 Residential Consolidation in Urban Areas*

*Policy H9 Private and Semi-Private Open Space*

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*Policy H11 Privacy and Security*

*H11 Objective 2*

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

*Policy H13 Residential Consolidation*

*H13 Objective 3*

*To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.*

*H13 Objective 5*

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

*Chapter 7 Sustainable Movement*

*Section 7.10 Car Parking*

*Policy SM7 Car Parking and EV Charging*

*SM7 Objective 1 Maximum car parking standards*

*Chapter 8 Community Infrastructure and Open Space*

*Section 8.7.5 Quality of Public Open Space*

*Policy COS5 Objective 16*

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

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

*Chapter 10 Energy*

*Section 10.2 Energy Measures*

*Policy E3 Energy Performance in Existing and New Buildings*

*Chapter 12 Implementation & Monitoring*

*Section 12.3 Natural, Cultural and Built Heritage*

*Section 12.3.1 Appropriate Assessment*

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*Section 12.3.3 Environmental Impact Assessment*

*Section 12.6.7 Residential Standards*

*(i) Housing*

*Table 12.20 Minimum Standards for Housing*

*Section 12.6.8 Residential Consolidation*

*(ii) Corner / Side Gardens*

- *Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:*
- *In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;*
- *Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;*
- *The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.*
- *Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;*
- *The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;*
- *A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;*

*Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.*

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### **Relevant Government Guidelines**

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

*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).*

**Wastewater Treatment and Disposal Systems Serving Single Houses** Environmental Protection Agency (November 2009).

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

**Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities** DoEHLG (2009).

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

### **Assessment**

The main issues for assessment are as follows;

- *Application of the Family Flats Policy*
- Zoning and Council policy.
- Residential Amenity.
- Visual Impact.
- Drainage and Water Services.
- Parks and Public Realm.
- Green Infrastructure.
- Vehicular Access and Parking,
- Screening for Appropriate Assessment.
- Screening for Environmental Impact Assessment.

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### ***Application of the Family Flats Policy***

A family flat refers to a temporary subdivision or extension of an existing single dwelling unit to provide semi-independent accommodation for an immediate family member (older parent or other dependent). It is noted that the statutory notices refer to the subject unit as an Ancillary Dwelling Unit, which is a nonstandard description. Considering that the proposed structure is a detached unit, it is considered that the proposed units would not comply with the Family Flat requirements, as set out within the Development Plan. However, due to the large site area of the subject site, it is considered that the proposed development can be assessed under the criteria for standalone dwellings, which is a more onerous standard.

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

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. New residential development is permissible in principle under this zoning objective. The proposed development is permissible in principle, subject to its being in accordance with the relevant provisions of the South Dublin County Development Plan 2022-2028 including, but not limited to, *Section 6.8 Residential Consolidation in Urban Areas* and *Section 12.6.8 Residential Consolidation*.

### ***Criteria for Corner/Side Garden sites***

Under Section 12.6.8 of the South Dublin County Development Plan 2022-2028, development on corner and/or side garden sites should meet certain criteria for development. These criteria are outlined below, with an assessment of the proposed development provided for each:

- *In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;*

The site area is approximately 0.49Ha, which is of sufficient size to accommodate an additional dwelling. An assessment of the potential for the proposed dwelling to impact on the residential amenity of adjoining dwellings is outlined under a separate heading below.

- *Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;*

Owing to its size and shape, the subject site is not a traditional corner site. The proposed dwelling is sited a significant distance from the public realm adjacent to the subject site, as such it is not possible to provide passive surveillance.

- *The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.*



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The proposed dwelling is sited at a perpendicular angle to the existing dwelling on the subject site. Having regard to the size of the overall site, it is considered that the proposed dwelling does not need to match the building line of the only other dwelling on the site. It is noted that the proposed dwelling does match the building line of the adjacent apartment block to the west in Esker Pines but does project approximately 5m beyond the rear building line of the same block. The roof profile of the proposed dwelling sits approximately 1m below that of the adjacent apartment building. Whilst this is welcomed, a concern does arise in relation to the proximity of the proposed dwelling to the adjacent apartment block and the projection beyond the rear building line. This concern is further outlined throughout this Report.

- *Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;*

As outlined above, there is no distinct building line on the subject site and thus the proposed dwelling is not required to incorporate transitional elements.

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

Owing to the size of the subject site, the Planning Authority consider the proposed dwelling does not need to respond to the character and architectural language of adjacent dwellings. As such, the principle of the contemporary design of the proposed dwelling is acceptable. However, a concern arises in relation to the siting of the proposed dwelling just 1.75m from the western boundary of the subject site, with an approximate separation distance of 3.5m to the adjacent apartment building of Esker Pines. It is considered that, owing to the siting of the proposed dwelling and the projection approximately 5m beyond the rear building line of the adjacent block, there is potential for the proposed dwelling to have an overbearing impact on the adjacent properties. This concern is further outlined in the Visual Amenity section of this Report.

- *A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;*

The proposal includes the provision of Private Open Space which appears to achieve the minimum requirement for a four bedroom dwelling as outlined in Table 3.20 of the Development Plan.

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- *Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.*

The private open space for the proposed, although not entirely located to the rear of the building, appears to be of good quality and the overall quantum appears to achieve the minimum standards outlined in Table 3.20 of the Development Plan.

The proposed development is largely consistent with the policies and objectives set out in Section 12.6.8 of the Development Plan regarding residential consolidation. However, **ADDITIONAL INFORMATION** is required to address concerns regarding the design and siting of the proposed dwelling. These concerns are further outlined under the Visual Amenity heading of this Report.

#### ***Residential Amenity***

The proposed dwelling is described by the Applicant as 2 No. storey three bedroom dwelling. However, it is noted that the floor plan drawings appear to show a dwelling containing 4 No. bedrooms. In this regard, the assessment of the proposed dwelling shall be based upon the required standards for a 4 No. bedroom dwelling.

The proposed part 2 No. to part 3 No. storey four bedroom dwelling has an approximate gross floor area of 156.5 sq.m and is comprised of an entrance hall, kitchen/living/dining area, pantry, utility, 1 No. bedroom and a bathroom at ground floor level. There is a stairs and lift leading to a first floor level comprised of 3 No. bedrooms (one of which is ensuite), 2 No. bathrooms and a store room.

Outlined below is an assessment of the residential amenity of the proposed dwelling having regard to the content of Section 12.6.7 of the South Dublin County Development Plan 2022-2028:

#### ***Internal floor area***

The planning drawings submitted show that the internal floor area for the proposed 4 No. bedroom house will be approximately 156.5 sq.m. This would comply with Table 3.20 of the County Development Plan, which requires a minimum floor area of 110 sq.m for a dwelling containing 4 No. or more bedrooms.

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#### *Private open space*

Table 3.20 of the Development Plan indicates a minimum requirement of 70 sq.m private open space for a dwelling of 4 No. bedrooms or more.

The planning drawings submitted appear to annotate a number of different areas as 'front garden', 'rear garden' and a 'reflection pool area'. The cumulative area of these spaces would comfortably achieve the minimum private open space standards. Although the Development Plan indicates that private open space should be located behind the front building line of the house. However, in this instance having regard to the size of the overall landholding and large amount of open space, it is considered that adequate private amenity is provided for the proposed dwelling.

#### *Amendments to existing boundary treatment*

According to the drawings provided by the Applicant, a portion of the existing boundary hedgerow along the western boundary will require removal to facilitate the proposed dwelling. It is unclear from the drawings provided what extent of the hedgerow requires removal, the current condition of this hedgerow and the proposed replacement boundary treatment in this area. In this regard the Applicant should be requested to provide **ADDITIONAL INFORMATION** in the form of plan, sectional and elevational drawings demonstrating the existing and proposed boundary treatments to facilitate a complete assessment and understanding of the extent of hedgerow removal and the proposed boundary treatment at the subject site. In re-designing the proposed dwelling to address other concerns outlined in this Report, the Applicant should seek to retain and improve the existing boundary treatment, including the hedgerow.

#### *Vehicular Entrance and Car Parking*

The proposed new dwelling will utilise the existing vehicular entrance to the subject site, which is approximately 3m in width, with a new 3.2m wide washed pebble access road connecting to the subject site and leading to 2 No. car parking spaces with a grasscrete hammerhead section for turning.

The provision of 2 No. parking spaces for the proposed 4 No. bedroom dwelling would accord with the maximum requirements outlined in Table 12.26 of the South Dublin County Development Plan 2022-2028.

#### *Room sizes*

The proposed bedroom size and proposed aggregate living area requirements would comply with Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007.

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### *Storage*

The proposed floor plan drawings appear to indicate only 4 sq.m dedicated storage space, which is below the 6 sq.m requirement outlined in the *Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007*. As such, the Applicant has not successfully demonstrated that the proposed dwelling includes the minimum standard of 6 sq.m storage space for a 4 No. bedroom dwelling as outlined in *Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007*. Incidentally, having regard to the previously outlined discrepancy between the Statutory Notices and the floor plan drawings, should the dwelling be intended for use as a 3 No. bedroom dwelling, it would still not meet the storage space requirements.

The Applicant should therefore be requested to revise the internal layout of the proposed dwelling to ensure adequate storage space is provided. In outlining details of the proposed internal storage for the dwelling, the Applicant should also have regard to the internal storage space standards outlined in Section 12.6.7 of the County Development Plan. The Applicant should be required by way of **ADDITIONAL INFORMATION** to clarify the proposed internal storage space for the dwelling.

### *Building lines*

The proposed building line appears to match the front building line of the adjacent apartment building within Esker Pines approximately 3,5m to the west. However, the proposed dwelling projects approximately 5m beyond the rear building line of the same apartment block. Whilst it is noted that there is minimal fenestration to the eastern elevation of the adjacent apartment block, it is considered that the proximity of the proposed dwelling to the apartment block coupled with the 5m projection beyond the rear building line would have potential to impact on the visual and residential amenity of the adjacent building. It is considered that the large area of the subject site offers the opportunity to site the proposed dwelling in a less sensitive location. No detailed architectural rationale or justification has been provided for siting the proposed dwelling just 1.75m from the western boundary and in such close proximity to the adjacent apartment block. In this regard, the Applicant should be requested by way of **ADDITIONAL INFORMATION** to re-design the proposed Site Layout, siting the proposed dwelling in a less sensitive location.

### *Overbearing impact*

As outlined above, a concern arises in relation to the potential for the proposed dwelling to have an overbearing impact on adjacent apartment block to the west owing to the siting of the dwelling just 3.5m from the eastern elevation of the apartment block and the projection of the proposed dwelling approximately 5m beyond the rear building line of the apartment block. In this regard, the Applicant should be requested by way of **ADDITIONAL INFORMATION** to site the proposed dwelling in a less sensitive location.

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### *Boundary Treatment*

Whilst the majority of the existing boundary treatment for the subject site remains untouched, as previously noted a concern arises in relation to the apparent removal of a section of hedgerow along the western boundary of the subject site. However, insufficient detail has been provided in relation to the proposed boundary treatment in this area. In this regard, the Applicant should be requested by way of **ADDITIONAL INFORMATION** to provide plan, sectional and elevational drawings demonstrating the existing and proposed boundary treatments to facilitate a complete assessment and understanding of the extent of hedgerow removal and the proposed boundary treatment at the subject site. In addressing other concerns relating to the siting of the proposed dwelling, it is possible that the re-location of the dwelling would facilitate the retention and improvement of the existing hedgerow. This would be welcomed by the Planning Authority.

It is noted that the proposed dwelling in its current form would not require the removal of any trees from the subject site. This is welcomed by the Planning Authority and, in re-designing the proposed dwelling to respond to the request for Additional Information, the Applicant should where possible seek to retain the existing trees on the subject site. If tree removal is required, the Applicant should propose appropriate replacement planting to mitigate against any loss.

### *Visual Impact*

The proposed four bedroom dwelling is located approximately 9m to the north west of the existing dwelling on the subject site and approximately 3.5m to the east of a block of apartments within the Esker Pines residential development. A concern arises in relation to the potential for the proposed dwelling to have an overbearing impact on adjacent properties. It is considered that the Applicant has not provided an acceptable rationale for the siting of the proposed dwelling in such close proximity to the western boundary of the subject site.

In this regard, the following extract from the County Development Plan is of particular relevance:

*'Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy in line with the provisions of the Urban Design Manual as detailed above.*

*In all instances where the benchmark separation distance is not being met, the applicant shall submit a daylight availability analysis for the proposed development and detail appropriate design measures to reduce undue overlooking'.*

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Having regard to the large area of the subject site, it is considered that it is not a compact infill site and that there is sufficient space to re-locate the proposed dwelling to a less sensitive location which would not have an adverse visual or overbearing, impact on the existing dwelling on the subject site or adjacent properties. In this regard, the Applicant should be requested by way of **ADDITIONAL INFORMATION** to re-locate the proposed dwelling to a less sensitive location, increasing the separation distance to the adjacent boundary and retaining an appropriate separation distance from the existing dwelling on the subject site.

#### *Drainage and Water Services*

The Report of the Drainage and Water Services Department has indicated that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

- There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design. Subject to percolation test results, all additional Surface Water is to be directed to proposed soakaway. Where feasible connect an overflow surface pipe and/or swale from proposed soakaway to existing surface water sewer east of site.

The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- (i) At least 5m from any building, public sewer, road boundary or structure.
- (ii) Generally, not within 3m of the boundary of the adjoining property.
- (iii) Not in such a position that the ground below foundations is likely to be adversely affected.
- (iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
- (v) Soakaways must include an overflow connection to the surface water drainage network.

It is considered that the Applicant should be requested to provide the above outlined **ADDITIONAL INFORMATION** to facilitate a complete assessment of the proposed development.

A Report provided by Irish Water indicates no objection to the proposed development, subject to standard conditions.

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#### *Parks and Landscaping*

The Parks Department has reviewed the application and has indicated no objection to the proposed dwelling.

#### *Green Infrastructure*

The subject site is located within the Liffey Valley Primary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4) and Table 4.1.

It is noted that, although the Application appears to include SuDS measures in the form of a soakaway and permeable paving to the driveway, insufficient detail of the proposed SuDS measures is provided. Having regard to the location of the site within a Primary Corridor, the extent of private amenity grassland, the scale of the footprint increase and the lack of detail regarding the SuDS measures, it is considered that the subject development has not successfully demonstrated compliance with the Green Infrastructure Policy Objectives within the County Development Plan, including but not limited to, GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.

The applicant should be requested, by way of **ADDITIONAL INFORMATION**, to submit a landscape plan, incorporating the protection and enhancement of Green Infrastructure assets, demonstrating compliance with the Green Infrastructure Strategy.

#### *Vehicular Access and Parking*

It is noted that the proposed dwelling will utilise the existing vehicular entrance to the subject site which will be connected via a new 3.2m wide section of internal access road within the site, leading to 2 No. car parking spaces to the front of the proposed dwelling.

The Roads Department have assessed the proposed development and have indicated no objection.

#### *Screening for Environmental Impact Assessment*

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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 subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises a single dwelling on a large site containing 1 No. existing dwelling and ancillary garage structure and outbuildings.

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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.

### **Conclusion**

Whilst the principle of residential development on lands zoned 'RES' is accepted, **ADDITIONAL INFORMATION** is required in relation to the design and siting of the proposed dwelling, drainage and water services infrastructure, landscape proposals and the Green Infrastructure Plan for the subject site, to facilitate a complete assessment of the proposed development.

### **Recommendation**

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

1. The Applicant is requested to increase the setback distance from the adjacent western boundary, providing appropriate separation distances to adjacent properties (having regard to concern about overbearing effects) and the existing dwelling on the subject site. The Applicant is requested to provide a complete set of revised site layout, floor plan, sectional, elevational and contiguous elevational drawings demonstrating the revised location and design of the proposed dwelling.
2. The Applicant is requested to provide plan, sectional and elevational drawings demonstrating the existing and proposed boundary treatments to facilitate a complete assessment and understanding of the extent of hedgerow removal and the proposed boundary treatment at the subject site. It is considered that, in re-locating the proposed dwelling within the subject site the Applicant should make every effort eliminate or minimise the need for removal of the existing trees, hedgerow and boundary treatments within the subject site. The re-location of the dwelling offers an opportunity to retain and enhance the existing boundary treatment, including the hedgerow.
3. The Applicant is requested to provide revised drawings demonstrating compliance with the internal storage space standards outlined in Section 12.6.7 of the South Dublin County Development Plan 2022-2028.



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4. (a) The Applicant is requested to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design. Subject to percolation test results, all additional Surface Water is to be directed to proposed soakaway. Where feasible connect an overflow surface pipe and/or swale from proposed soakaway to existing surface water sewer east of site.
- (b) The applicant is requested to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
- i) At least 5m from any building, public sewer, road boundary or structure.
  - ii) Generally, not within 3m of the boundary of the adjoining property.
  - iii) Not in such a position that the ground below foundations is likely to be adversely affected.
  - iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
  - v) Soakaways must include an overflow connection to the surface water drainage network.
5. The Applicant is requested to provide a detailed Landscape Design Plan and Green Infrastructure Plan for the subject site having regard to the Green Infrastructure Policy Objectives within the County Development Plan, including but not limited to, GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028 and the Sustainable Urban Drainage Systems Explanatory Design Guide, a copy of which is available on the South Dublin County Council website.

### **Additional Information**

Additional Information was requested on 26<sup>th</sup> September 2022.

Additional Information was received on 16<sup>th</sup> January 2023.

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.

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#### Assessment

The following Additional Information was received from the Applicant on 13<sup>th</sup> January 2023:

- Letter of Response prepared by George Boyle Designs dated 9<sup>th</sup> January 2023.
- Drawing No. 17036\_2\_200 – Site Location Map prepared by George Boyle Designs.
- Drawing No. 17036\_2\_201 – Site Location Map 6 Inch Map prepared by George Boyle Designs.
- Drawing No. 17036\_2\_205 – Existing Site Layout Plan prepared by George Boyle Designs.
- Drawing No. 17036\_2\_206 – Proposed Site Layout Plan prepared by George Boyle Designs.
- Drawing No. 17036\_2\_207 – Proposed Site Landscape Drawing prepared by George Boyle Designs.
- Drawing No. 17036\_2\_208 – Existing & Proposed South & East Contiguous Elevation prepared by George Boyle Designs.
- Drawing No. 17036\_2\_210 – Proposed Ground, First & Roof Floor Plans prepared by George Boyle Designs.
- Drawing No. 17036\_2\_220 – Proposed North & South Elevations prepared by George Boyle Designs.
- Drawing No. 17036\_2\_221 – Proposed East & West Elevations prepared by George Boyle Designs.
- Drawing No. 17036\_2\_230 – Proposed Sections AA & BB prepared by George Boyle Designs.
- Drawing No. 17036\_2\_231 – Proposed Sections CC & DD prepared by George Boyle Designs.
- Response to Additional Information Request related to Drainage issues prepared by MTW Consultants Limited.
- Drawing No. AI-601 – Proposed Foul and Surface Drainage Plan prepared by MTW Consultants Limited.
- Drawing No. AI-604 – Proposed SW Section PS1 to Soakaway prepared by MTW Consultants Limited.
- Drawing No. AI-605 – Proposed Soakaway Overflow to Mains prepared by MTW Consultants Limited.
- Drawing No. AI-605 – Soakaway Details prepared by MTW Consultants Limited.

The Additional Information provided by the Applicant will be assessed below in the context of the 5 No. items of Additional Information requested by the Planning Authority on 26<sup>th</sup> September 2022.

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### Additional Information Item No. 1

In response to Additional Information Item No. 1 the Applicant has outlined that the original drawings submitted with the Planning Application did not precisely demonstrate the separation distance between the adjacent property at Nos. 26 and 27 Esker Pines. The revised drawings provided in response to the Additional Information request indicate a separation distance of 2.15m from the Esker Pines gable to the boundary.

According to the Applicant, the siting of the proposed dwelling has been revised to increase the separation distance between Esker Pines Apartment building and the proposed dwelling to 5.45m and reduce the height of the proposed dwelling by approximately 0.75m.

The increase separation distance is noted and welcomed by the Planning Authority. It is acknowledged and understood that the eastern elevation of the Esker Pines Apartments is blank and, as such, the proposed dwelling would not have an overshadowing and overbearing impact on the internal amenity of the apartment units within the block. While the rear building line would project by approximately 4m beyond the rear building line of the adjacent block within the Esker Pines development, it is not considered that this would result in an unacceptable level of overbearing impact on the adjacent properties. In relation to the impact on the sun lighting of the amenity space of the adjacent property, it is noted that this space is located to the north of the existing apartment lock, and therefore the majority of overshadowing would be caused by the adjoining development on its own amenity space. Furthermore, there is a significant level of trees and vegetation on the shared boundary, which in turn would reduce early morning sunlight from the east to this space. Having considered the scale of the proposed development and the existing site orientation, it is not considered that the proposed development would result in a significant negative impact on the neighbouring property, in terms of loss of sunlight to the external amenity space.

### Additional Information Item No. 2

Through the slight relocation of the dwelling in response to the previous Additional Information Item, the retention of the hedgerow is now possible along the western boundary adjacent to the Esker Pines Apartments. This is considered to be a positive revision to the design of the proposed development.

Overall, the Applicant has successfully demonstrated how the siting and design of the proposed development will result in minimal vegetation, hedgerow and tree removal from the subject site. It is therefore considered that Additional Information Item No. 2 has been successfully addressed.

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### Additional Information Item No. 3

In response to Additional Information Item No. 3, the Applicant has highlighted a total area of 27 sqm dedicated storage space, with 12 sqm at ground floor level and 15 sq.m at first floor level.

It is noted that the Applicant has incorrectly referred to the storage space standards outlined in the *Sustainable Urban Housing: Design Standards for New Apartments (2020)*. The Applicant has also indicated that the proposed dwelling would 'ever only be a two-bedroom (2/4person) house with the third bedroom acting as office/library/entertainment suite'. However, the floor plans provided by the Applicant clearly show a 4 No. bedroom house, 1 No. bedroom at ground floor level and 3 No. bedrooms at first floor level. Nonetheless the provision of 27 sqm storage space would comfortably exceed the minimum standards for a 4 No. bedroom house as outlined in the *Quality Housing for Sustainable Communities Guidelines (2007)*.

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

### Additional Information Item No. 4

In response to Additional Information Item No. 4 the Letter of Response prepared by George Boyle Designs states that soil percolation tests were carried out by Stingray Environmental on 24<sup>th</sup> and 26<sup>th</sup> November 2022, with detailed analysis and reports compile in December 2022. The soil percolation test results and report were utilised by MTW Consultants to prepare a Response document and accompanying drainage and water services infrastructure drawings.

The Drainage and Water Services Department have assessed the Applicant's Response to Additional Information Item No. 4, with their Report indicating no objection to the proposed development, subject to **CONDITIONS**.

Irish Water have also assessed the documents and drawings provided by the Applicant, with their Report indicating no objection, subject to **CONDITIONS**.

Having regard to the reports of the Drainage and Water Services Department and Irish Water, it is considered that the Applicant has satisfactorily addressed Additional Information Item No. 4.

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#### Additional Information Item No. 5

In responding to Additional Information Item No. 5, the Letter of Response prepared by George Boyle Designs states that *'it is noted that there are no major core areas, GI corridors or "stepping stones" of a public nature within or directly contiguous to the site'*. The Response does not acknowledge that the subject site is located within the Liffey Valley Primary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4) and Table 4.1 of the South Dublin County Development Plan 2022-2028. Despite this, the Letter of Response does demonstrate a clear understanding of the context of the subject and the ecological and environmental importance of the site to the surrounding Green Infrastructure network.

The Report of MTW Consultants Limited and accompanying drawings indicate that all new surfaces proposed will be of porous and permeable materiality to ensure that surface water run-off is sustainably managed. This would be in accordance with GI4 Objective 1 of the Development Plan and is welcomed by the Planning Authority.

The Letter of Response prepared by George Boyle Designs outlines the plan approach taken by the Applicant to retain and conserve the landscape and ecological features of the subject site, contributing to the protection and enhancement of the Green Infrastructure Network in line with GI4 Objective 2 of the Development Plan.

The Parks and Public Realm Department have assessed the Applicant's Response to Additional Information item No. 5, with their Report indicating no objection subject to **CONDITIONS**. The Applicant has therefore successfully addressed Additional Information Item No. 5.

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### Other Considerations

#### Development Contributions

<b>Development Contributions</b>	
<b>Planning Reference Number</b>	SD22A/0320
<b>Summary of permission granted &amp; relevant notes:</b>	Two storey four bed dwelling with mezzanine loft, solar panels, porch, veranda deck, terrace and associated site works, utilities, landscaping, facilities and services, on site of and adjacent to existing single storey family bungalow (retained). The dwelling will share existing entrance gateway and is accessed via a private new avenue to private courtyard with parking for two cars.
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	119.10
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€119.10
<b>Area of Development (m2)</b>	156.5
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	156.5
<b>Total development contribution due</b>	€18,639.15

#### SEA Monitoring

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
New 4 No. bedroom Dwelling	156.5
<b>Land Type</b>	<b>Site Area (Ha)</b>
Brownfield / Urban Consolidation	0.49 Ha

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#### **Conclusion**

Having regard to the Additional Information provided by the Applicant and the policies outlined in the South Dublin County Development Plan 2022-2028, it is considered that the revisions applied largely address the concerns of the Planning Authority. Accordingly, a grant of planning permission is recommended.

#### **Recommendation**

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

#### **FIRST SCHEDULE**

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

#### **SECOND SCHEDULE**

##### **Conditions and Reasons**

1. Development to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 16 January 2023, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Restrictions on Family Flat.
  - (a) The use of the unit hereby approved shall be restricted to a residential use only, directly associated with the use of the existing house on the site for such purposes and shall not be subdivided or separated from the main house. In particular, it shall not be sold, leased or let (including short-term letting) independently of the main house without the benefit of planning permission.  
REASON: To ensure that the family flat does not operate as an independent dwelling unit or for any commercial purpose, in the interest of residential amenity and in the light of the consideration of the application as a family-flat only at assessment stage.

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3. (a) Drainage - Irish Water.

(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

(b) Minimise Air Blown Dust.

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

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

(c) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

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

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



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provided with the following:

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

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

#### 4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €18, 639.15 , in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

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

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

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

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

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

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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**REG. REF. SD22A/0320**

**LOCATION: Rathinree, Esker Lane, Lucan, Co. Dublin, K78 X2C4**

  
**Colm Harte,**  
**Senior Executive Planner**

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

**Date:** 13/02/23

  
**Gormla O'Corrain,**  
**Senior Planner**