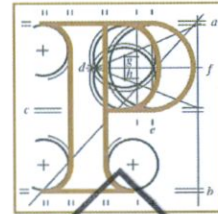


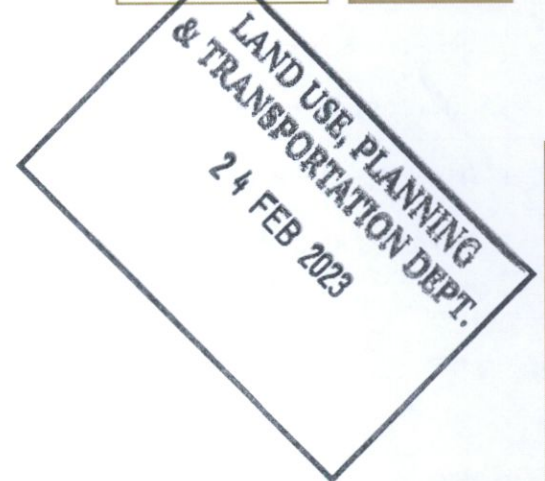
Our Case Number: ABP-315890-23

Planning Authority Reference Number: SD22A/0023



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 23 February 2023

Re: Construction of a house
Lands to rear of The Copper Kettle Coffee Shop, Main Street, Rathcoole, Co. Dublin

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

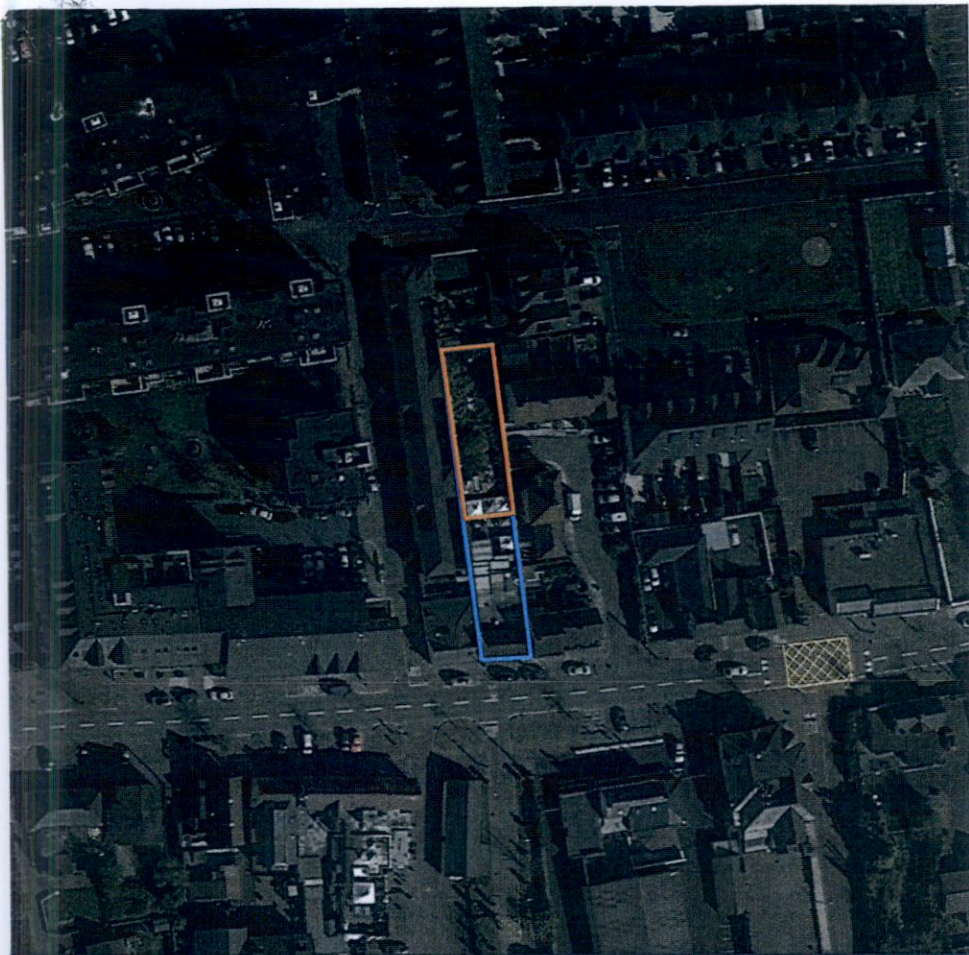
Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

| | | |
|--------------------|---------|------------------|
| Teil | Tel | (01) 858 8100 |
| Glaio Áitiúil | LoCall | 1800 275 175 |
| Facs | Fax | (01) 872 2684 |
| Láithreán Gréasáin | Website | www.pleanala.ie |
| Ríomhphost | Email | bord@pleanala.ie |

| | |
|----------------------|-----------------------|
| 64 Sráid Maoilbhríde | 64 Marlborough Street |
| Baile Átha Cliath 1 | Dublin 1 |
| D01 V902 | D01 V902 |



FIRST PARTY APPEAL RESIDENTIAL INFILL DEVELOPMENT

Site located to the rear of The Copper Kettle
Coffee Shop, Main Street, Rathcoole, Co. Dublin

SOUTH DUBLIN COUNTY COUNCIL REG. REF. SD22A/0023

February 2023

SUBMITTED ON BEHALF OF:
Garocal Limited
Woodfarm Cottages, Upper Kennelsfort Road,
Palmerstown, Dublin 20.

AN BORD PLEANÁLA
LDG- 061499-23
22 FEB 2023
Fee: € 220 Type: Cheque
Time: 17:07 By: hand

85 Merrion Square, Dublin 2, D02 FX60
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1.0 Introduction

This first party appeal has been prepared by Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2 on behalf of our client, Garocal Limited, Woodfarm Cottages, Upper Kennelsfort Road, Palmerstown, Dublin 20 against the decision of South Dublin County Council to refuse permission for development on a site located to rear of The Copper Kettle Coffee Shop, Main Street, Rathcoole, Co. Dublin, under **Reg. Ref. SD22A/0023**. The description of development, as per the statutory public notices, is as follows:

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

This report sets out the planning rationale and justification for the proposed development, including an assessment of the proposed development having regard to the South Dublin County Development Plan 2022-2028. It is submitted that the development, as lodged with South Dublin County Council, is compliant with the standards and objectives of the South Dublin County Development 2022-2028 and other relevant regional and national planning policy.

From the outset wish to draw to the attention of An Bord Pleanála that the current proposal to which this planning appeal pertains, has been prepared and redesigned having due regard to the refusal reasons outlined in relation to the previously refused developments on the subject lands under Reg. Ref. SD18A/0138 and Reg. Ref. SD19A/0128. We note that the refusal reason under the subject application, Reg. Ref. SD22A/0023, in relation to the right of access has not been mentioned in either of the previous refusals and we submit that an agreement can be made with the Planning Authority in relation to the access arrangements following a grant of planning permission. We submit that the applicants submitted a previous agreement with South Dublin County Council made by the subject land's previous owner, and our clients welcome the opportunity to agree a similar agreement with the Planning Authority following a grant of permission.

As such, we respectfully request that An Bord Pleanála set aside the decision of South Dublin County Council and **grant permission** for the proposed development. This appeal is accompanied by the receipt of decision (see Appendix A) from the planning authority and the statutory appeal fee of €220.

1.1 Decision of South Dublin County Council

The Council's decision to refuse permission under Reg. Ref. SD22A/0023, (a copy of which is included in Appendix A of this report) was issued on 26th January 2023 and based on the following 1 no. reason:

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

In response to the above refusal reason, we strongly contend that the proposed development is representative of a high-quality and appropriately scaled residential development which provides a high standard of accommodation for future residents, whilst also being cognisant of the existing level of amenity and privacy currently enjoyed by neighbouring residents. In this context, it is submitted that the proposed accommodation has been informed by the immediate surrounds and has been designed to prevent any undue loss on existing residential amenity. The full grounds of appeal against the refusal of permission are outlined in the subsequent sections of this report. As noted from the outset, we consider that the proposal to be in accordance with the proper planning and sustainable development of the area, and as such, we respectfully request that An Bord Pleanála see fit to overturn the decision of South Dublin County Council and **grant permission** accordingly.

1.2 Summary of Grounds of Appeal

In this instance, the applicant is appealing against the decision of South Dublin County Council to refuse permission. The applicant's grounds of appeal will be set out in full detail in the body of this appeal submission but can be summarised by the following points:

- The proposed development is consistent with the sites 'RES – Existing Residential' zoning objective, does not have an adverse impact on adjoining residential amenities and accords with the proper planning and sustainable development of the area. Residential is a permitted in principle use on RES zoned lands;
- The proposed development represents the more efficient and sustainable use of centrally located, zoned and serviced lands that provides an appropriate response to the use of an infill/backland development site, whilst also providing for a high standard of residential accommodation for future residents;
- It is contended that the proposal will significantly enhance the streetscape along Main Street and Barrack Court, by providing for a sympathetic design solution which relates well to its surrounding context;
- The proposed dwelling has been designed and redesigned by the Project Architects, D.C. Turley and Associates, to avoid any impacts of overbearance on adjacent properties, in this context the height of the proposed dwelling is purposely below the ridge height of the existing dwelling at No. 8 Barrack Court to the east and presents as an appropriate modern expression when viewed from Barrack Court;
- The proposed development sufficiently addresses the previous refusal reasons issued under **Reg. Ref. SD18A/0138, Reg. Ref. SD19A/0128**, by providing for a high-quality and appropriately scaled, part single, part two-storey dwelling, which meets the quantitative residential standards as set out within the South Dublin County Development Plan 2022-2028 and the *Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007)*;
- The proposed development accords with the key objectives as included within the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031) in that it contributes to the compact growth targets of at least **50% of all new homes to be built within or contiguous to the built-up area of Dublin City and suburbs**;
- The proposed development is consistent with Project 2040: National Planning Framework where the target is for at least **40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites** (Objective 35);

From the outset, it is submitted that the proposed development is in accordance with the proper planning and sustainable development of the area and as such we respectfully request that An Bord Pleanála overturn the decision of South Dublin County Council and **grant** permission for the proposed development.

2.0 Site Location & Description

The development site is located in a mature residential area, which comprises a mix of housing types with established and newer residential developments, and is situated to the north of Main Street, Rathcoole. The red line of the site extends to 0.04ha and is currently an underutilised backland plot to the rear of The Copper Kettle café. The site is enclosed to the east by Barrack Court, to the north and west by Aubrey Manor, and to the south by The Copper Kettle.

As per Figure 1.0, the development site is accessible via the Barrack Court housing development situated to the immediate east of the site and off Main Street, Rathcoole. We would consider the subject site to represent an ideal location for infill development given its proximity to existing services, inclusive of recreational, educational and retail facilities, within Rathcoole.



Figure 1.0 Aerial view showing the immediate locational context of the subject site, red outline. We note that the applicant's ownership extends to the immediate south as per the blue outline.

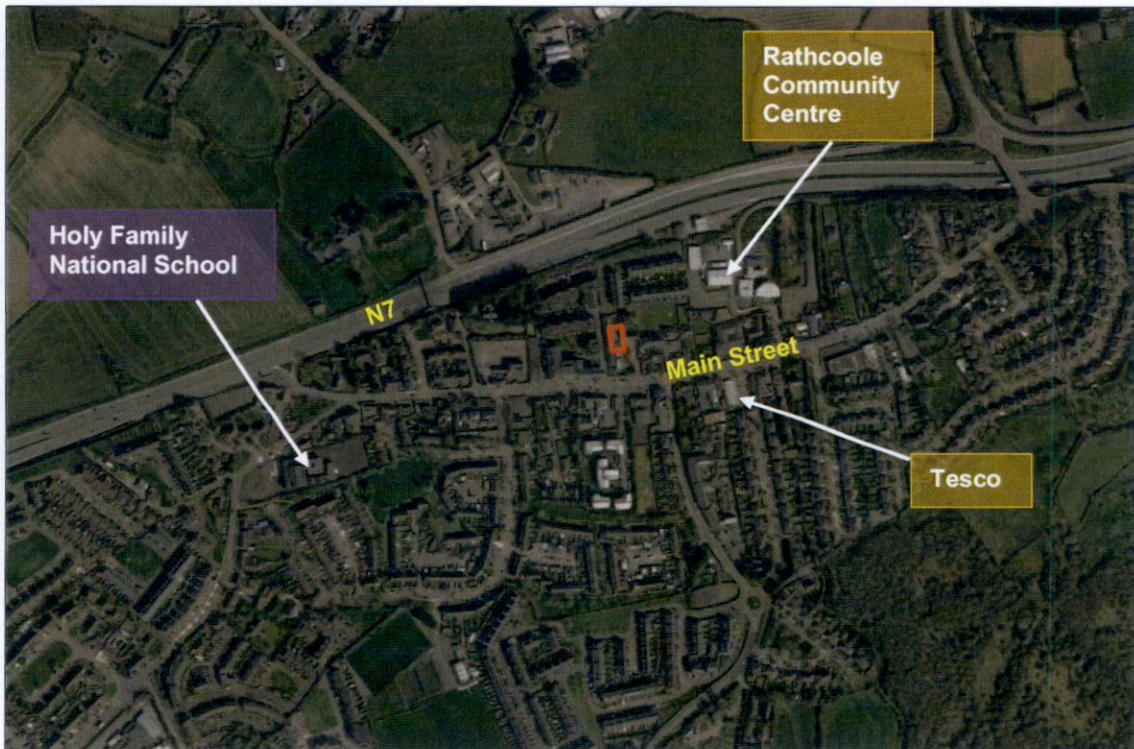


Figure 2.0 Aerial view showing the wider locational context of the subject site, red outline.

3.0 Planning History

3.1 Appeal Site Planning History

A review of the South Dublin County Council planning register has found the following previous planning applications for development to the rear of The Copper Kettle, Main Street, Rathcoole, Co. Dublin.

Reg. Ref. SD18A/0138 Planning permission was refused by South Dublin County Council on 18th June 2018 for a two storey, detached 3-bedroom (plus study) dwelling houses, with 2 off street parking spaces, relocation of 2 existing parking spaces from Barrack Court, adjacent to the site, onto the site, new access roadway, footpath and all associated ancillary works.

Following assessment by South Dublin County Council, the above application was refused on the basis of 6 no. reasons as outlined below.

1. *The proposed development, by virtue of its close proximity to adjoining properties in Aubrey Manor and Nos. 5 and 7 Barrack Court, would create a significant overbearing and overshadowing impact which would seriously injure the residential and visual amenities of these properties. The proposal would therefore constitute overdevelopment of the site which would materially contravene the 'RES' zoning objective for the area, would be contrary to the policies, objectives and standards set out in the current South Dublin County Council Development Plan and would not be in accordance with the proper planning and sustainable development of the area.*
2. *The site of the proposed development is situated within Rathcoole Village Architectural Conservation Area (ACA) and is to the rear of a protected structure RPS Ref. 317. The application is deficient as no Architectural Impact Assessment was submitted to address the potential visual impact the proposal would have on the ACA and on the adjacent protected structure.*
3. *Landscape issues were not addressed in this application. A landscape design rationale along with a comprehensive and detailed landscape plan would be required. Additional details would be required to address the shared boundary with the protected structure to the south. The application is therefore deficient in this regard.*
4. *It is noted that no percolation test results were submitted with the application. Percolation test results would be required at the location of proposed soakaways in accordance with BRE Digest 365 Standards. Infiltration test results would also be required to demonstrate that the soakaway complies with the requirements of BRE Digest 365. The proposal is therefore deficient in this regard.*
5. *The proposal would fall short of the internal space standards as set out in the document 'Quality Housing for Sustainable Communities: Best Practice Guidelines (DOEHLG 2007)' in that the floor areas of the rear bedrooms in both units are below 11.4sq.m and the minimum 6sqm storage is not provided for. As such, the proposal would not provide adequate residential amenity for future occupants.*
6. *The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

The decision of South Dublin County Council was subject to an appeal to An Bord Pleanála (ABP Ref. 302075-18) which was ultimately refused by Order dated 23rd October 2018.

Three refusal reasons were issued by An Bord Pleanála as follows;

1. *The proposed development constitutes over-development on a restricted site, which would result in over-shadowing and overlooking of adjoining residential property, which would*

seriously injure the amenities or depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed relocation of two parking spaces within the Barrack Court residential development would represent a loss of amenity for residents entitled to use those spaces. The vehicular manoeuvres required of motorists using the relocated spaces would necessitate excessive reversing which would constitute a traffic hazard. The positioning of the relocated parking spaces would seriously injure the visual amenities of future residents of the new houses and the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and development of the area.
3. The Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that the applicant has established that the ground is suitable for disposal of surface water within rear garden soakways. The proposed development would give rise to the risk of flooding of the site or adjoining sites which would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

Figures 3.0-6.0, below and overleaf, present the architectural drawings of the development refused under Reg. Ref. SD18A/0138 and ABP Ref. 302075-18.

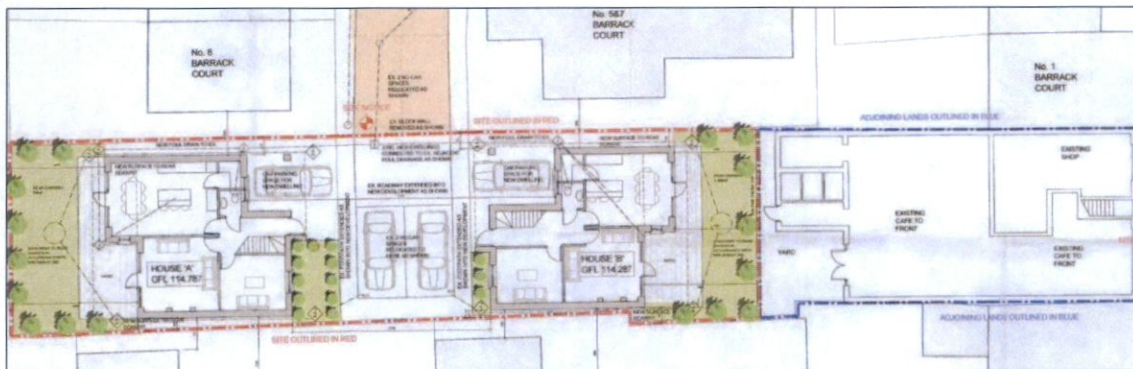


Figure 3.0 Site layout plan refused under Reg. Ref. SD18A/0138 and ABP Ref. 302075-18.

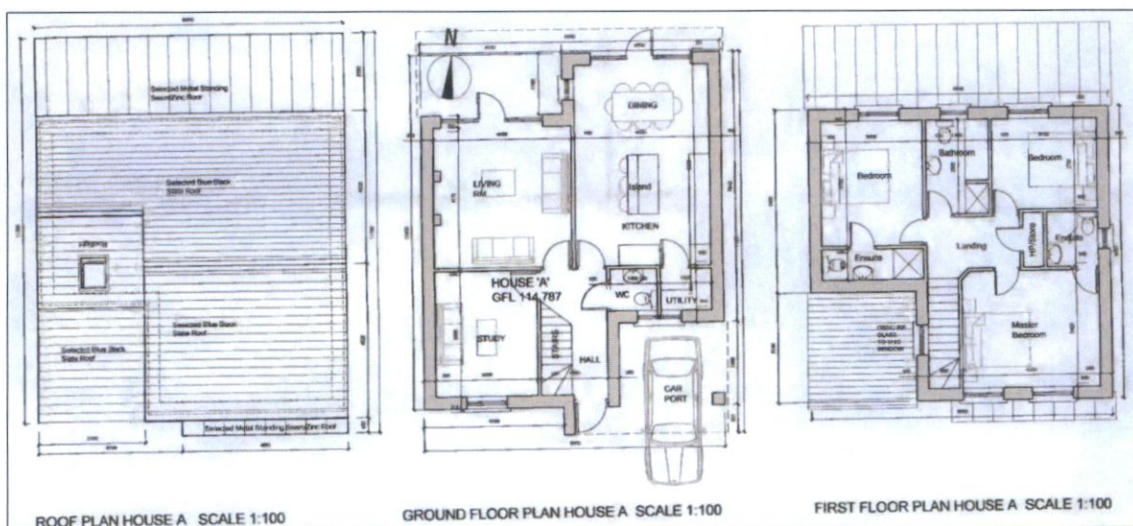


Figure 4.0 Floor plans of House A as refused under Reg. Ref. SD18A/0138 and ABP Ref.302075-18.

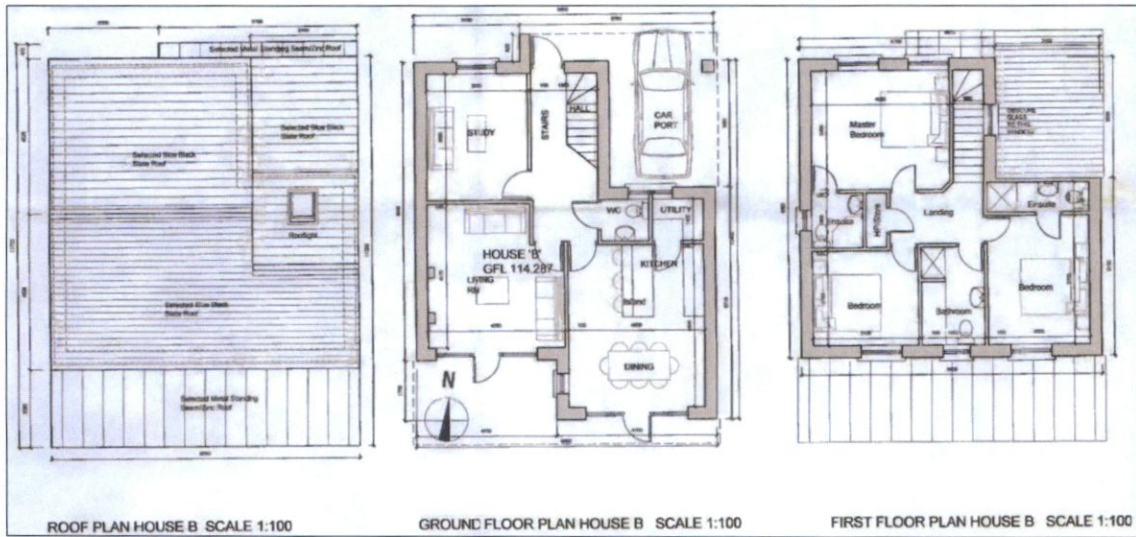


Figure 5.0 Floor plans of House B as refused under Reg. Ref. SD18A/0138 and ABP Ref.302075-18.

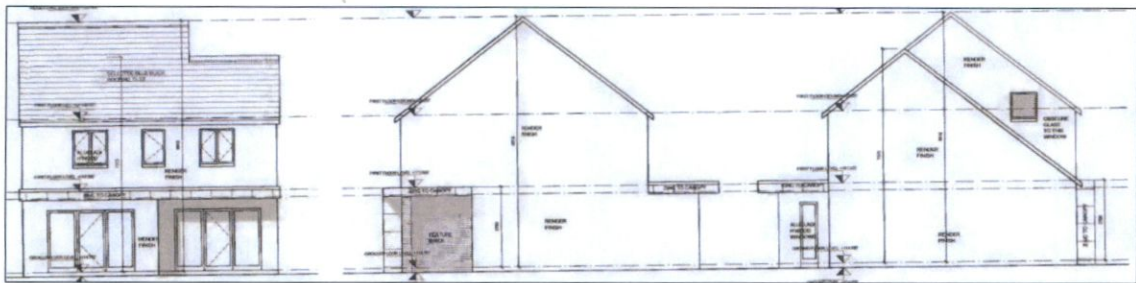


Figure 6.0 Elevations of House A as refused under Reg. Ref. SD18A/0138 and ABP Ref.302075-18. It is note that the elevations of House B mirrored that of House A.

Following the refusal of the above application, the applicant proceeded to submit a revised application as follows;

Reg. Ref. SD19A/0128 Planning permission was refused by South Dublin County Council on 19th March 2020 for the construction of one two storey, detached 2 bedrooms (plus study) dwelling with 1 off street parking space; relocation of 2 parking spaces from Barrack Court; access roadway; footpath and all associated ancillary works.

In its assessment of the planning application, we note that South Dublin County Council requested further information in relation to 9 no. items including Drainage, Design, Layout, Noise and Boundary Treatments. Following the submission and assessment of further information, South Dublin County Council proceed to refuse planning permission on the basis of 1 no. refusal reason the wording of which is as follows:

1. *The proposed development, by reason of its scale and massing represents overdevelopment of the site and would be overbearing and dominant on the adjacent properties at Aubrey Manor. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016-2022 and the proper planning and sustainable development of the area.*

This decision was subject to an appeal to An Bord Pleanála (ABP Ref. 307316-20) which was ultimately refused by Order dated 12th October 2020. The following refusal reason was issued by the Board:

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

Figures 7.0-10.0, below and overleaf, present the architectural drawings of the development refused under Reg. Ref. SD19A/0128 and ABP Ref. 307316-20.

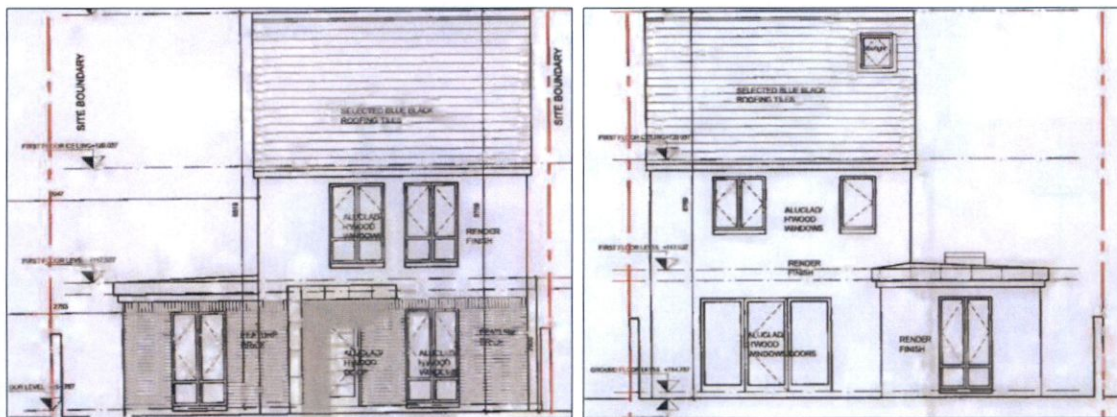


Figure 7.0 Elevations refused under Reg. Ref. SD19A/0128 and ABP Ref.307316-20. Front elevation (left) and rear elevation (right).

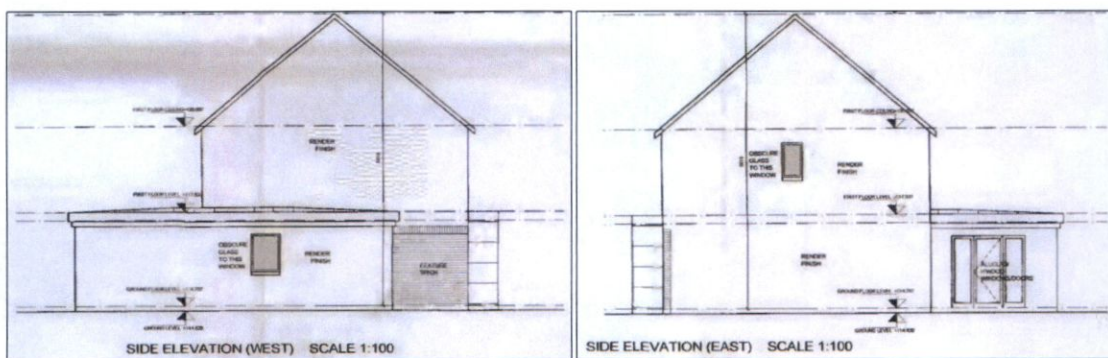


Figure 8.0 Elevations refused under Reg. Ref. SD19A/0128 and ABP Ref.307316-20. West elevation (left) and east elevation (right).

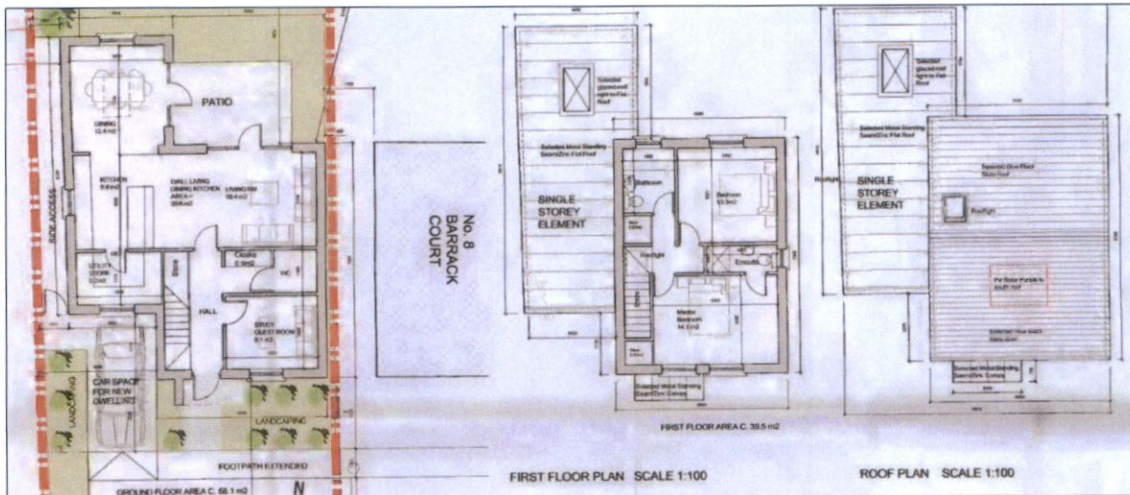


Figure 9.0 Floor plans refused under Reg. Ref. SD19A/0128 and ABP Ref. 307316-20.

Given the wording of the refusal reasons issued by both South Dublin County Council and An Bord Pleanála in respect of Reg. Ref. SD19A/0128 (ABP Ref. 307316-20), it is apparent that the second application for development at this site overcame all planning concerns with the exception of impacts to existing residential amenity as a result of visual overbearance and overlooking. The current proposal has had due regard for the planning history of the site and the proposed dwelling has been purposefully designed so as to ensure no undue impact to existing residential amenities whilst allowing for the efficient development of this underutilized yet well serviced urban site.

Figure 10.0, below, presents a comparison between the site layout plan refused under Reg. Ref. SD19A/0128 (ABP Ref. 307316-20) which is outlined by the black dashed line and that which is proposed under the current application. Pursuant to the concerns of both the Planning Authority and the Board, the separation distance between the first-floor level and the western site boundary has been substantially increased from 3.62m to 5.42m, as annotated below in Figure 10.0. This increase in separation distance represents a significant improvement, in the context of potential visual impact, from the previously refused application and we would consider this separation distance to provide sufficient visual relief whilst allowing for the efficient development of the site.

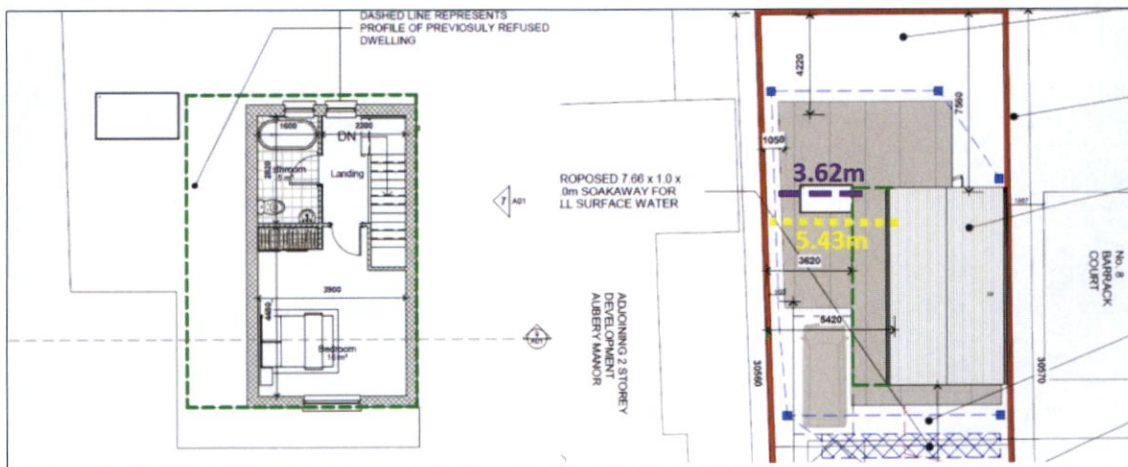


Figure 10.0 Currently proposed first floor plan (l) and proposed site layout plan (r). The black dashed line on the currently proposed first floor plan indicates the outline of the first floor plan as refused under Reg. Ref. SD19A/0128, whilst the purple and yellow dashed lines indicate the separation distance between the first floor level and the western site boundary both as per Reg. Ref. SD19A/0128 and as currently proposed.

Further to the above, the rear elevation of the revised dwelling has been revised to provide obscure glazing and, thus, prevent the overlooking of properties within the immediate vicinity of the site.

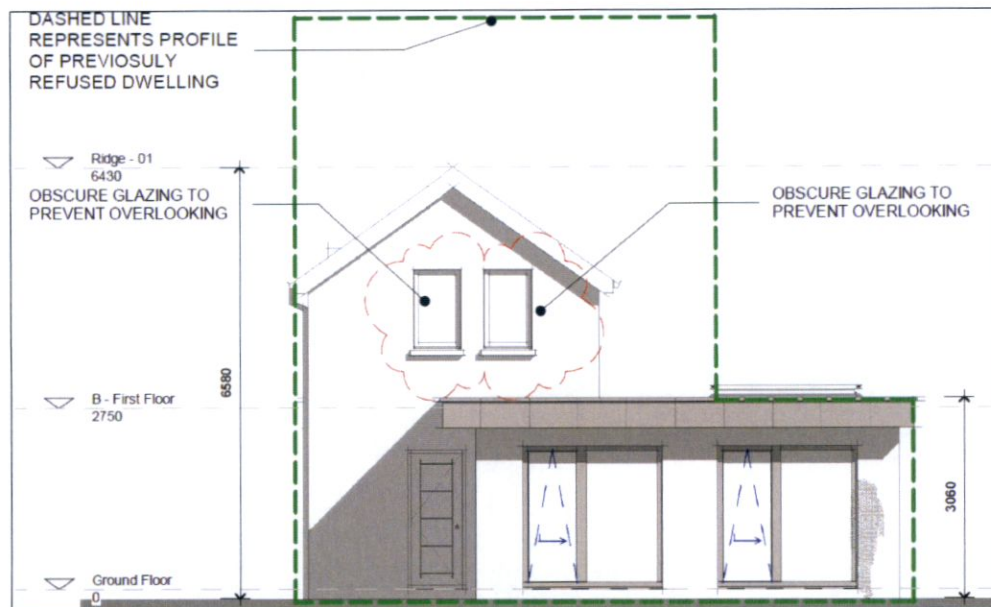


Figure 11.0 Currently proposed rear elevation.

As per the revisions employed by the project architect, it is considered that the subject proposal has appropriately addressed the issues raised in relation to previous applications on site and presents an appropriate form of development which will not unduly detract from the residential amenity of the area.

4.0 Development as Refused by South Dublin County Council under Reg. Ref. SD22A/0023

As noted in Section 1.0 above, the development for which permission was refused under **Reg. Ref. SD22A/0023** by South Dublin County Council, sought to construct a new detached part two storey, part single storey infill dwelling on a site located to the rear of The Copper Kettle Coffee Shop, Main Street, Rathcoole, Co. Dublin

The proposed detached part two storey, part single storey infill dwelling comprises 2 no. bedrooms, a kitchen/living/dining area, a storage room, and W.C facilities on the ground floor level. The first floor comprises the master bedroom with associated W.C facility. The refused development also included 55sq.m of private amenity space to the rear of the development. One vehicular parking space is provided in this design, and the 2 no. existing parking spaces within Barrack Court have been moved to the south of the proposed dwelling.

The design intent of the proposal is to present an attractive and integrated design approach which compliments the existing established streetscape along Main Street and Barrack Court. The design approach adopted is to create a modern façade using materials and material colours which currently features within the surrounding locality.

The main aim of the proposed development is to make more efficient use of the subject site, whilst also providing for a scheme which offers a high standard of accommodation for prospective occupants. The proposed development is contemporary in design and form and will greatly improve the standard of living accommodation on-site. It is considered that the proposed floor plans reflect that of a modern dwelling which is conducive to providing a high standard of family accommodation. The design and layout of the proposed dwelling, as prepared by D.C. Turley and Associates, has been informed by a number of factors, most notably the desire to protect the amenity of neighbouring residents and improve the Barrack Court streetscape by providing an innovative architectural design which will create an added sense of visual interest and improve the vitality of this frontage.

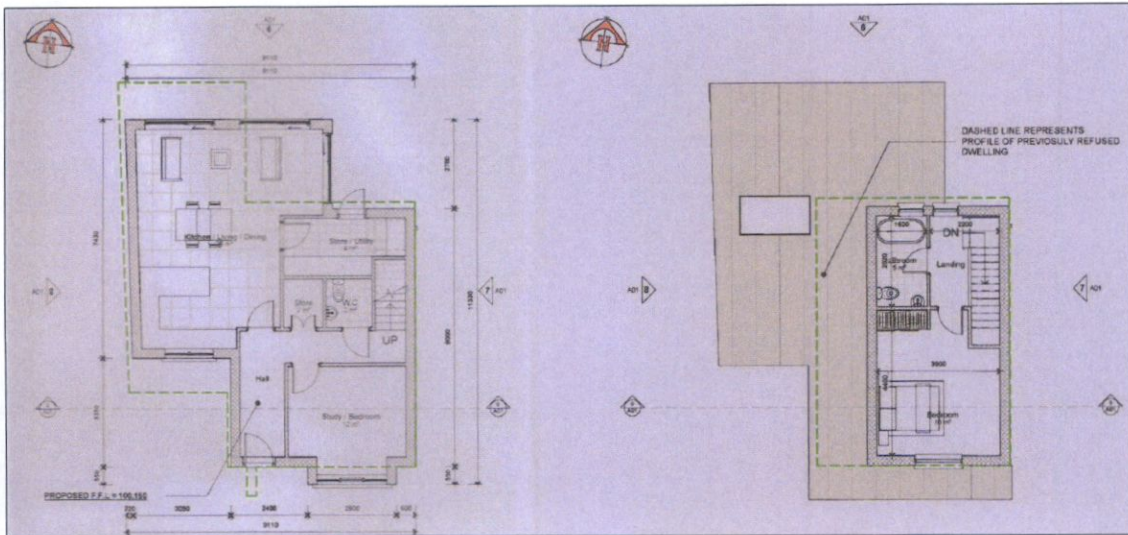


Figure 14.0 Ground (l) and first (r) floors of the proposed development. The green dashed line indicates the position of the respective floors as per the previously refused application Reg. Ref. SD19A/0128 (ABP Ref. 307316-20).

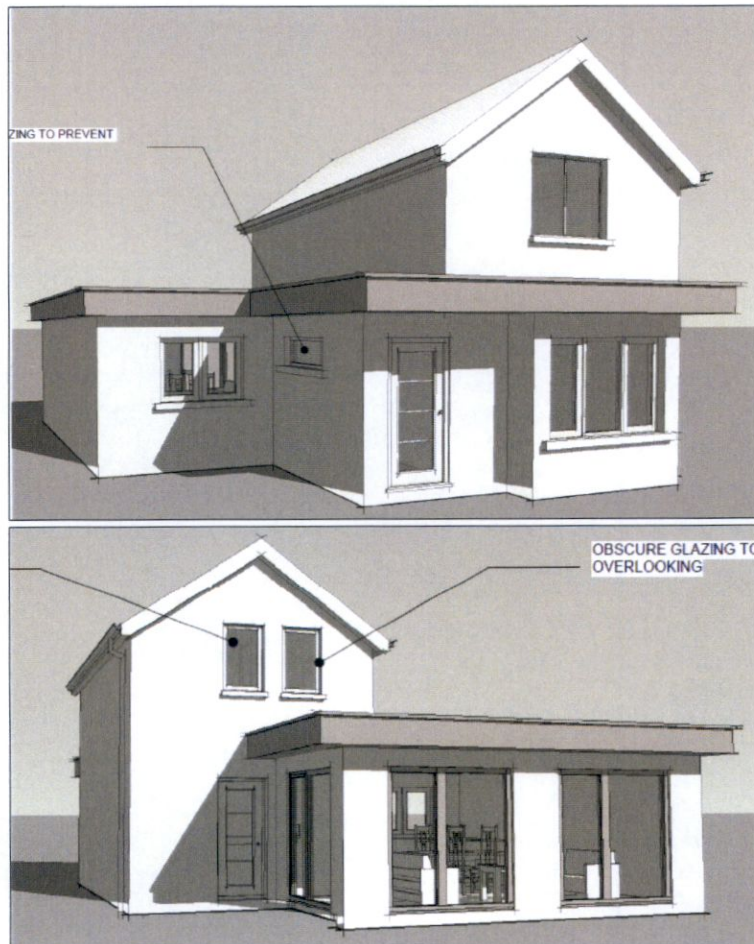


Figure 15.0 CGI's of the front (top) and rear (bottom) elevations of the proposed development.

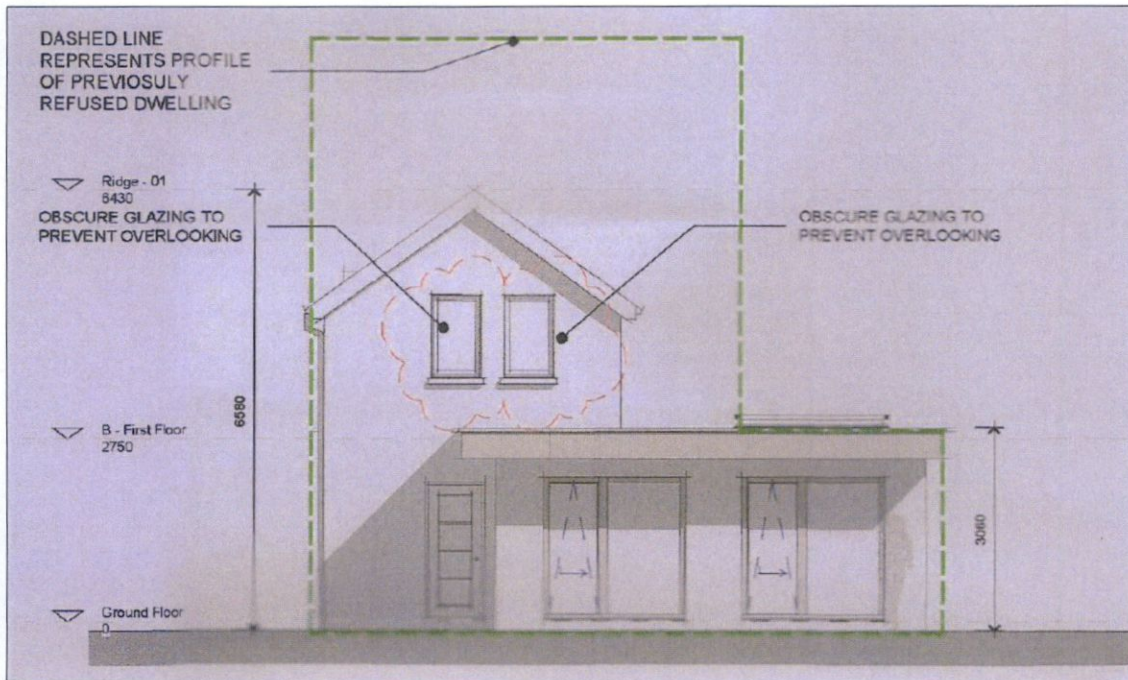


Figure 15.0 Proposed rear elevation as refused under Reg. Ref. SD22A/0023.

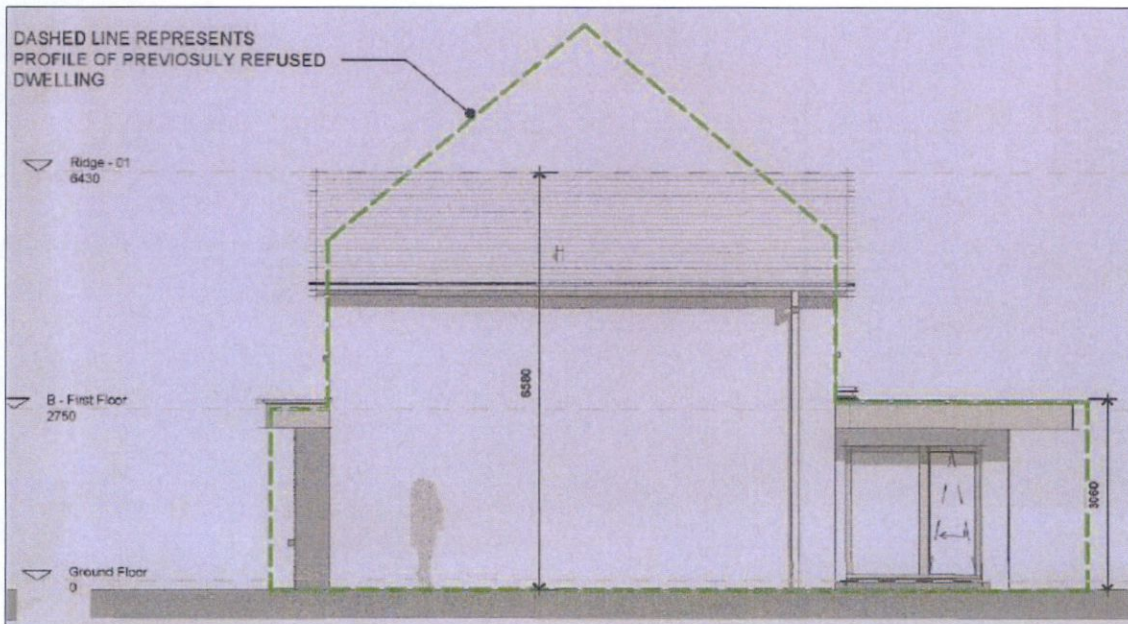


Figure 16.0 Proposed side (eastern) elevation as refused under Reg. Ref. SD22A/0023.

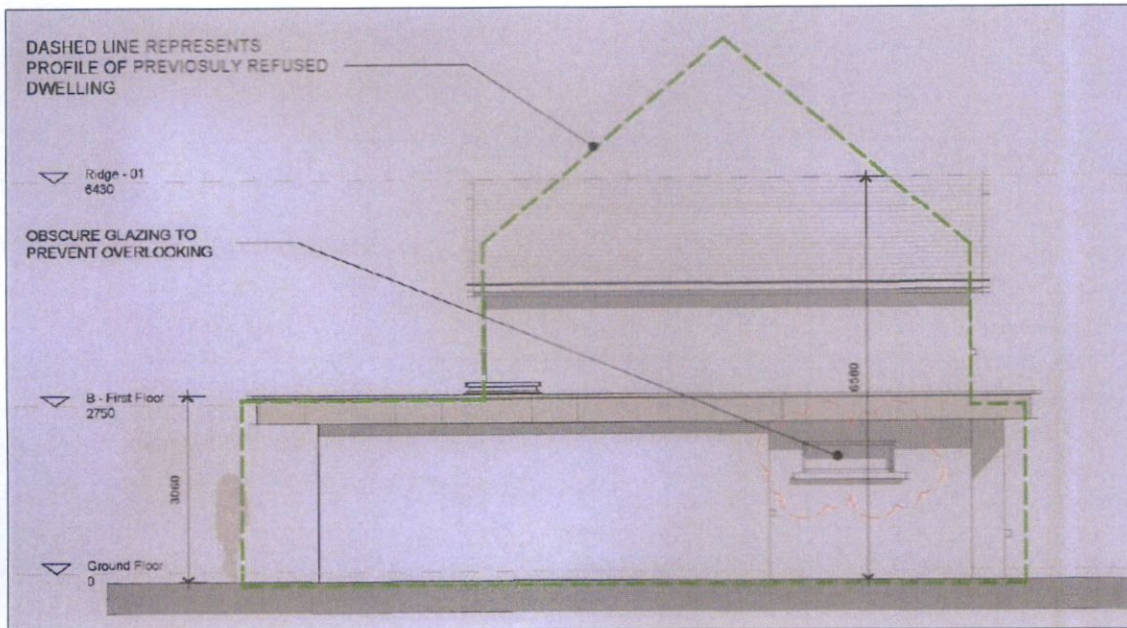


Figure 17.0 Proposed side (western) elevation as refused under Reg. Ref. SD22A/0023.



Figure 18.0 Proposed contiguous front elevation as refused under Reg. Ref. SD22A/0023.

5.0 Planning Policy Context

This section of the appeal report will examine the planning framework, both national and local, that informs the use and development of the subject site. Documents of note include Project Ireland 2040 - National Planning Framework, the National Development Plan 2018-2027, Urban Development and Building Heights Guidelines for Planning Authorities, Regional Spatial and Economic Strategy 2019-2031, Guidelines on Sustainable Residential Development in Urban Areas (2009), Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007), Housing for All - A new Housing Plan for Ireland and the South Dublin County Development Plan 2022-2028.

5.1 Project Ireland 2040 – National Planning Framework.

Project Ireland 2040 - National Planning Framework (NPF) seeks more balanced and concentrated growth, particularly within the five major cities in Ireland. A key element of national growth is the more efficient use of underutilized sites within existing built-up areas as per the following commentary from the National Planning Framework document:

'A major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. The target is for at least 40% of all new housing to

be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. The rest of our homes will continue to be delivered at the edge of settlements and in rural areas.'

Moreover, we would note the following National Policy Objectives (NPOs) as per Project Ireland 2040:

- NPO 3a** *Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.*
- NPO 3b** *Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.*
- NPO 32** *Target the delivery of 550,000 additional households up to 2040 in accordance with the policy objectives of Ireland 2040'. These targets are supported by the ongoing Government initiative 'Rebuilding Ireland.*
- NPO 33** *Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.*
- NPO 35** *Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*

The proposed development is consistent with the above targets as it involves the development and reuse of underutilised land within a live/work district situated in close proximity to third level education, employment and public transport services. The proposed development will provide for additional residential accommodation within the city centre region, on zoned and serviced lands, promoting consolidation of development within existing settlements as encouraged by the National Planning Framework (NPF) and the Regional and Spatial Economic Strategy for the Eastern and Midlands Region (RSES).

Whilst the proposal only contributes 1 no. additional house to the national housing stock, it is considered to reflect the type of compact sustainable development which is sought throughout National Policy regarding the appropriate development of underutilised sites.

5.2 Urban Development and Building Height Guidelines for Planning Authorities

The proposed development is considered to be compliant with the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, as adopted on 7th December 2018. The guidelines are intended to set out national planning policy guidelines on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. We note the following commentary from this document which is considered to be of relevance in the context of the currently proposed development:

*'To meet the needs of a growing population without growing our urban areas outwards requires more focus in planning policy and implementation terms **on reusing previously developed 'brownfield' land, building up urban infill sites** (which may not have been built on before) and either reusing or redeveloping existing sites and buildings that may not be in the optimal usage or format.'*

The current proposal allows for the reuse of the existing site and is considered to represent the optimal means of achieving the redevelopment of the subject lands whilst protecting adjoining residential amenity, visual amenity and respecting the designation of the area as a residential conservation area. Whilst the principal aim of the above document is to identify scope for the appropriate increase in height/density of both existing and undeveloped sites within urban areas, it is considered that aspects of placemaking, the protection of the streetscape and the protection of the character of the area, as raised by the Planning Authority in their response to previous applications on this site must be respected.

The current proposal provides 1 no. infill dwelling on a site of 314sq.m. It is considered that the proposed development is appropriate given the growing national focus on maximising residential densities within urban areas subject to the adequate protection of existing residential amenities. The approach employed by the design team has been directly based on the need to protect adjoining residential amenities and present no undue impact to the residential amenity of the local area.

5.3 Regional Spatial and Economic Strategy 2019-2031

The Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) was published in 2019. The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. At this strategic level, it provides a framework for investment to better manage spatial planning and economic development throughout the Region. The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Regions. The RSES outlines the following objectives for Dublin City and Metropolitan Area:

- *To sustainably manage Dublin's growth as critical to Ireland's competitiveness, achieving growth to 1.4 million people in Dublin City and Suburbs and 1.65 million people in the Dublin Metropolitan Area by 2031.*
- ***To realise ambitious compact growth targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other metropolitan settlements, with a focus on healthy placemaking and improved quality of life.***

Dublin plays a key role in attracting internationally mobile talent and investment and combines vibrant urban living, rich heritage and character and access to nature including Dublin Bay, the coastline and Dublin-Wicklow mountains. The Metropolitan Area Strategic Plan (MASP) in Chapter 5 sets out a strategy to achieve growth of 1.4 million people in Dublin City and suburbs and 1.65 million people in the Dublin Metropolitan Area by 2031 through the delivery of large-scale strategic development areas. The proposed development will allow for additional residential development within the existing urban fabric of Dublin City which is considered consistent with the aims of the RSES in respect of consolidating residential development within existing built-up areas which are within easy reach of a wide array of amenities and facilities.

5.4 Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

The aim of the above guidelines is to identify the primary principles and criteria which are important to the design of housing and to highlight specific design features, requirements and standards. The document makes reference to both infill and backland development and states that *'infill developments and urban redevelopment projects should respect the character of the existing neighbourhood'*. In relation to the main considerations regarding infill and backland development, the guidelines state the following:

'It is important to recognise the existing character, street patterns, streetscapes and building lines of an area, particularly in the case of infill sites or where new dwellings will adjoin existing buildings' and that 'the degree to which they will impact on any new development will need to be taken into account in assessing the development potential of any proposed site'.

Additionally, Section 5.9 (I) of these Guidelines states the following:

*'Potential sites may range from **small gap infill, unused or derelict land and backland areas**, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas, whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable*

within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc.'

In relation to infill residential development, it is noted in Section 5.9.1 that a *'balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill'* and the design approach *'should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area'*. In the context of the current application, it is submitted that the proposed development makes efficient use of infill land in suburban Dublin, at a scale, density and design that protects existing neighbouring amenities.

5.5 Housing for All - A new Housing Plan for Ireland

The 'Housing for All - A new Housing Plan for Ireland' was published in September 2021 as part of the Irish Government's 'Our Shared Future' programme which, in turn, sets out the Government's mission to tackle the housing crisis. The objective of the plan is to ensure that everybody has

'Access to sustainable, good quality housing to purchase or rent at an affordable price, built to high standard, and located close to essential services, offering high quality of life.'

The plan seeks to increase new housing supply to an average of at least 33,000 new units per year with specific pathways outlined to achieve the four overarching objectives of the plan which are:

- *Supporting Homeownership and Increasing Affordability;*
- *Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion;*
- *Increasing New Housing Supply; and*
- *Addressing Vacancy and Efficient Use of Existing Stock.*

We submit that the proposal is consistent with the above policy as it provides an appropriate quantum of residential accommodation on a zoned and serviced suburban site. The proposed development responds to a recognised need, at national level, for residential accommodation and is consistent with policy in this regard.

5.6 Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007)

The current South Dublin County Development Plan 2022-2028 notes that dwellings shall comply with the principles and standards outlined in Section 5.3 *'Internal Layout and Space Provision'* contained in the DEHLG *'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities'* (2007).

The purpose of these particular Guidelines is to assist in achieving the objectives for Delivering Homes, Sustaining Communities contained in the Government Statement on Housing Policy which focuses on creating sustainable communities that are socially inclusive by promoting high standards in the design and construction and in the provision of residential amenity and services in new housing schemes.

| Dwelling Type | Target Gross Floor Area | Minimum Main Living Room | Aggregate Living Area | Aggregate Bedroom Area | Storage |
|--|-------------------------|--------------------------|-----------------------|------------------------|---------|
| Requirements 2 storey House 2 Bed (4P) | 80sq.m | 13sq.m | 30sq.m | 25sq.m | 4sq.m |
| Proposed Dwelling | 100.8sq.m | 32sq.m | 32sq.m | 28sq.m | 6sq.m |

Table 1.0 Table illustrating the compliance of the proposed dwellings with the relevant standards for space provision guided within the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities.

As demonstrated in the above table, the proposed development complies with the space standards outlined within the 2007 Guidelines.

5.7 South Dublin County Council Development Plan 2022-2028

The relevant development plan against which the planning application would be assessed is the South Dublin County Development Plan 2022-2028.

5.7.1 Zoning

The subject site is zoned Objective 'RES' (Existing Residential) in the South Dublin County Development Plan 2022-2028, the objective of which is 'To protect and/or improve residential amenity'. An extract from the South Dublin County Council zoning map is shown below. Moreover, it is noted that the site is also located within an Architectural Conservation Area, known as 'Rathcoole Village' which is described as follows:

'There are numerous buildings of interest within the linear ACA envelope, including Rathcoole House, the Court of Petty Sessions, Rathcoole Health Centre, Rathcoole Garda Station, Rathcoole Inn, An Poitin Stil and several smaller cottages dotted throughout the village. The main concentration of historic buildings, dating from the late eighteenth and nineteenth centuries, are in the eastern and central part of the village. The village core remains apparent as a distinct urban focus, despite the late twentieth century residential and road development surrounding the village.'

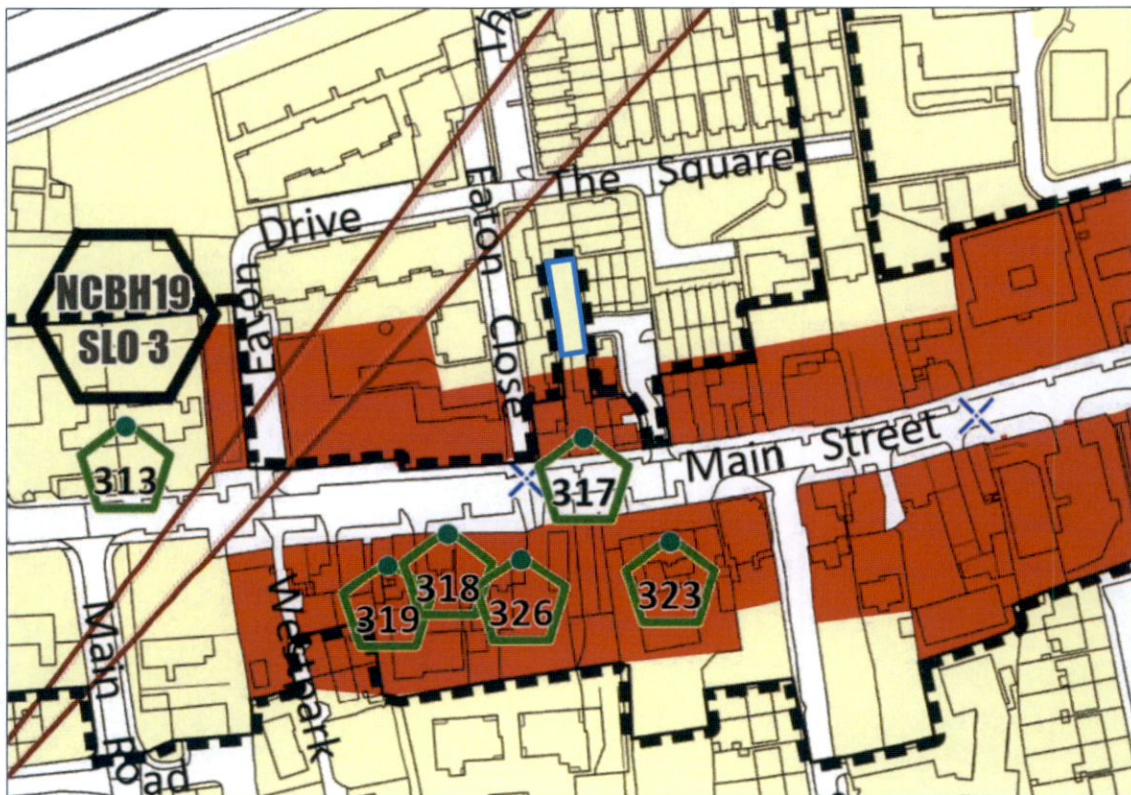


Figure 19.0 An extract from the South Dublin County Development Plan 2022-2028 Zoning Map 8 (the subject site is outlined in blue).

It is noted that there are a number of protected structures in the vicinity of the site as marked in green on the map above, and the site is located within an Architectural Conservation Area, as outlined in black on the above map in Figure 19.0.

Land use which are considered to be generally acceptable, subject to further assessment against the relevant policies, objectives and standards set out under the Development Plan are known as 'Permitted in Principle' uses. Such uses, in respect of the zoning designation Objective RES, are as follows:

*'Housing for Older People, Nursing Home, Open Space, Public Services, **Residential**, Residential Institution, Retirement Home, Shop-Local, Traveller Accommodation.*

Furthermore, the following objective is specifically relevant to the subject zoning:

CS7 Objective 2: *To promote and support the regeneration of underutilised industrial areas designated with the regeneration Zoning Objective 'REGEN' ('to facilitate enterprise and/or residential led regeneration subject to a development framework or plan*

5.7.2 Core Strategy

Set out in Chapter 2 of the South Dublin County Development Plan 2022-2028 is the 'Core Strategy', which outlines the medium to long term strategy for the spatial development for the county by way of policies and objectives, translating the strategic planning framework set out at national and regional levels. The plan identifies the vision for the county as:

'Maximise the potential of the County to deliver a compact settlement form in line with National and Regional population targets, with a strong focus on regeneration and the redevelopment of brownfield over greenfield lands.'

Rathcoole is identified as a 'Self-Sustaining Growth Town' in the South Dublin Settlement Strategy. Rathcoole is described as a Self-Sustaining Growth Towns due to the following;

'The Rathcoole settlement had a population in 2016 of 4,351 which is targeted to grow by 1,339 persons (31%) to 5,690 persons by 2028. Taking this growth over the plan period alongside estimated growth between 2017 and Q3 2022 this equates to an overall growth of 2,093 (48%) persons over the period 2017 to 2028. Therefore, the town can be categorised as a medium sized town'.

Policy CS7 of the Core Strategy aims to 'Promote the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary'. The proposed development is considered to be an appropriate intensification of the subject lands. The proposed development will provide for the intensification of an otherwise underutilised serviced site that is zoned and is well served by high-capacity public transport services, in terms of the multiple bus stops to the south and east of the subject site. It is submitted that the proposed development is therefore in accordance with the objectives of the 'Core Strategy' as set out in the South Dublin County Development Plan 2022-2028.

Policy CS7 in relation to Rathcoole states that the Development Plan should 'Support the sustainable long-term growth of Rathcoole by focusing development growth along the main street based on local demand and the ability of local services to cater for sustainable growth levels'. We submit that the proposed development accords with the above policy for Rathcoole, by providing necessary residential accommodation along on an otherwise underutilised serviced site that is zoned and located along the Main Street.

CS10 Objective 1 *To facilitate the commencement and completion of development on zoned residential lands within and contiguous to the settlement boundary of Rathcoole which recognises natural heritage assets and facilitates connections to the village core and other areas to provide for active travel opportunities.*

CS10 Objective 2 *To support well-designed infill development along the main street and core village area of Rathcoole.*

CS10 Objective 3 *To proactively support and promote the highest levels of services, social infrastructure, facilities, retail and economic activity to meet the needs of current and future growth in line with the scale and function of Rathcoole within the settlement hierarchy.*

CS10 Objective 4 *To facilitate the delivery of new residential development in a coordinated manner, ensuring alignment with investment infrastructure and supporting amenities and services. Such measures shall be delivered through appropriate phasing in line with CS10 SLO1 and SLO2.*

5.7.3 Housing

We refer to Chapter 6 of the South Dublin County Development Plan 2022-2028 which indicates that a core objective of the Development Plan is to 'ensure the delivery of high quality and well-designed homes in sustainable communities to meet a diversity of housing needs within the County'. It is noted in this chapter of the Development Plan that South Dublin County Council will require 15,500 new homes by the end of 2028, over 2,500 per year, and the 'Interim Housing Strategy' forecasts that The Housing Strategy and Interim HNSA predict that 8,415 families will need help from South Dublin County Council up to 2028 based on demographic and housing predictions during the course of the Development Plan.

It is therefore considered that the following policies are particularly relevant to the proposal on the subject site:

H1 Objective 2 *To require that 20% of lands zoned for residential use, or for a mixture of residential and other uses for development of 5 or more units or development of units on land greater than 0.1 hectares (or relevant figures as may be revised by legislation) be reserved for social and affordable housing in accordance with the Affordable Housing Act 2021 and the Planning and Development Act 2000 (as amended).*

H1 Objective 3 *To ensure that adequate and appropriate housing is available to meet the needs of people of all incomes and needs including traveller households, older persons, people with disabilities, and the homeless, through an appropriate mix of unit types and tenures provided in appropriate locations and in a manner appropriate to their specific needs.*

H1 Objective 4 *To recognise the urgent need for the increased provision of social and affordable housing to ensure that all residents in South Dublin County have access to a home. Such provision shall be made through working with approved housing bodies and co-operatives to provide for social and genuinely affordable housing accommodation to meet housing needs. This shall be carried out through a range of delivery mechanisms including new builds, acquisitions, renovations and acquisitions of vacant homes, cost rental leasing, and housing supports including RAS and HAP or any other mechanism promoted under Government Housing Policy, with priority given to new builds and renovations whenever available.*

H1 Objective 7 *To ensure population growth and increased housing densities take place within and contiguous to Dublin City and Suburbs and the County's town boundaries suited to their strategic regional role, subject to good design and development management standards being met.*

H1 Objective 8 *To promote the re-use of and reactivation of vacant units within our Urban Areas and pursue as soon as possible, through the application of the vacant site levy in accordance with the Urban Regeneration and Housing Act 2015, and through the implementation of the South Dublin Vacant Homes Strategy and Action Plan 2018-2021. The Council shall review and update this programme as deemed necessary and shall pursue the Compulsory Purchase of long-term vacant sites and units, where feasible.*

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.*

The table below taken from Appendix 11 of the South Dublin County Development Plan 2022-2028 displays the household size cohort forecast for the life of the plan. The Development Plan states that *'the analysis shows that one- and two-persons households increase their percentage share from 44% to 45% by 2028. In combination with the 3-person household, these three groups make up 65% of the household size formation, the largest cohort by the end of the plan period'*.

| Persons per Household | 2016 | 2028 |
|-----------------------|--------|--------|
| 1-person household | 16.83% | 17.68% |
| 2-person household | 27.13% | 27.38% |
| 3-person household | 19.77% | 19.88% |
| 4-person household | 20.29% | 19.75% |
| 5-person+ household | 15.91% | 15.85% |

Table 1.0 Household size cohort forecast in Appendix 11 under the South Dublin County Development Plan 2022-2028.

In contrast to the above, the Development Plan states that *'the 4-person and 5-person+ household will only reduce from 36.2% to 35%. It can be assumed that a small proportion of the 4 person households would typically give rise to a need for some 2-bedroom units'. As demonstrated under the above table, the future forecast demonstrates a steady increase in 1 and 2 person households to 2028. Moreover, it is demonstrated that the only household size category demand to decrease is the 4 and 5+ household categories. It is expected that this trend will continue thus indicating a fundamental shift in household sizes and therefore demonstrating a requirement for greater mix of household types particularly for smaller 1 and 2 bed units.*

The shift in demand for unit types has been as a result of a shrinking average household size and larger increases in smaller per person households. In 2016, the average household size in Dublin was 2.73 persons per household, which is down from 2.99 in 1996 and 3.94 in 1971. Dublin City contains the largest cohort of 1 and 2 person households, which in 2016 they combined to account for 60.3% of all households. The suburbs of Dublin are home to a mix of 3, 4 and 5+ person households, though the largest growth has been in the 1 and 2 person households, where 2 person households have grown by 6.1% since 1966. While 3 person households have also seen growth over the past 20 years, both 4 and 5+ person households have decreased, and we contend that this justifies the provision of 1 and 2 bed units in the proposed development.

We contend that the proposed dwelling, comprising 1 no. two-bedroom unit is entirely appropriate in this instance given the subject sites urban location, the infill nature of the subject site and the limited provision of apartments within the local area. Further to this, we note that the unit mix capable of being accommodated on the subject site has been dictated to a degree by the size of the subject site and the existing character of the area.

The development as proposed, allows for the increased efficiency of the subject site with regards to residential density as is supported by national policy. The subject site is located at a central location in and is situated within walking distance of all facilities necessary to provide a high standard of residential accommodation including recreational, educational and transport services. The proposed unit mix is further considered to be in accordance with the provisions of the Project Ireland 2040 National Planning Framework which seeks more balanced and concentrated growth within the developed urban areas of

the five major cities within Ireland. Noting the aforementioned mix of units, the National Planning Framework states the following in relation to changing family size:

'Currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Household sizes in urban areas tend to be smaller than in the suburbs or rural parts of the country. In Dublin city, one, two and three person households comprise 80 percent of all households. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms.'

Having regard to the above, the proposed unit mix responds to the identified strategic need for smaller units in the housing stock in urban areas. The proposed development will include 1 no. two-bedroom dwelling and, in improving the variety of house types in the area, is considered consistent with national policy guidance. In relation to the principal focus of the Project Ireland 2020 document, we would note that a key element of national growth is the more efficient use of underutilized sites within existing built-up areas. In this regard we note the following commentary from the document:

*'A major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. The target is for **at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.** The rest of our homes will continue to be delivered at the edge of settlements and in rural areas.'*

It is also important to note the provisions of the 'Housing For All - A new Housing Plan for Ireland' adopted in September 2021, which was published as part of the Irish Government's 'Our Shared Future' programme which, in turn, sets out the Government's mission to tackle the housing crisis. The objective of the plan is to ensure that everybody has 'access to sustainable, good quality housing to purchase or rent at an affordable price, built to high standard and located close to essential services, offering high quality of life.' The plan further seeks to increase new housing supply to an average of at least 33,000 new units per year with specific pathways outlined to achieve the four overarching objectives of the plan which are:

- Supporting Homeownership and Increasing Affordability;
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion;
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock

Section 2.1 of the Housing for All plan sets out a number of key objectives to eradicate homelessness, this includes a focus on the construction and acquisition of one-bedroom homes and the increased availability of social housing. In this regard, it is stipulated that 'Local Authorities will set out delivery targets, including targets for one-bed homes, in their new Housing Delivery Action Plans which Housing for All mandates them to prepare and which will be available by December 2021.'

We submit that the proposed development which comprises a total of 1 no. two-bedroom dwelling, is fully consistent with the above policy content as it provides an appropriate unit type on a centrally located site and responds to the recognised need within the Dublin Metropolitan area for the increased provision of smaller unit sizes to accommodate 1 and 2 person households. The provision of residential units on site, in the manner proposed under this application, supports homeownership and affordability results in increased housing provision and provides for the efficient use of zoned and serviced land. The proposed development is considered to respond to a recognised need at a national level, for residential accommodation and is consistent with policy in this regard.

Having regard to the afore referenced data, it is reasonable to conclude that the mix of housing demand is changing and evolving with a much-increased output of housing required to cater for one or two-person households. On the basis of the foregoing, it is considered that the proposed unit mix, accommodating 50% percent one-bedroom units and 50% two-bedroom units, is appropriate in considering the city centre location of the subject lands and the most recent census population data

which clearly indicates the significant proportion of 1 and 2 person households within Dublin City, thus inevitably translating into a higher demand for smaller residential unit sizes. The proposed development will cater for this demand and offer a feasible scheme which will aid in meeting current and future market demand, in respect of unit types and sizes.

- H1 Objective 13** *To support the provision of a mix of tenure types across the County in creating suitable accommodation for all in promoting sustainable and mixed income communities and discourage an over proliferation of a single tenure (whether private owner occupier, private rental, social rental or affordable purchase and rental) within any local area (within a 10-minute walking distance) or Local Electoral Area, in line with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020) and the provisions of the Housing Strategy and Interim HNDA or any subsequent future Regional based HNDA.*
- H1 Objective 14** *To facilitate, as far as possible, the development of homes for owner-occupiers over institutional investors.*
- H1 Objective 18** *To ensure that where Local Authority public lands zoned Res / Res N or future zoned Res / Res N local authority lands are used to develop housing, that it is used exclusively for the delivery of social, affordable cost rental and affordable purchase homes.*
- H1 Objective 19** *To ensure that where Local Authority public lands zoned Res/Res N or future zoned Res/Res N local authority lands are used to develop housing, that it is used exclusively for the delivery of social, affordable cost rental and affordable purchase homes.*
- H2 Objective 3** *To promote and facilitate the development of infill schemes throughout the County where it has been identified that such schemes will contribute towards the enhancement of communities within the County, working towards an even spread of such schemes across all LEAs, whilst ensuring that sufficient and appropriate public spaces and amenities are preserved in existing residential estates, subject to the protection of residential amenity.*
- H2 Objective 4** *To promote lifetime housing standards in new homes built in the County in accordance with best practice.*

It is noted that 93% of new homes within the Dublin City and Suburbs settlement through the re-use, infill and consolidation of existing urban areas with sustainable intensification along public transport networks. The proposed is considered to be in line with this. The objective for housing in the South Dublin County Council administrative area is to provide high quality residential development that contributes to the communities. We consider that proposals for housing in 'RES' zoned lands will be supported where it respects the character and other residential developments established in the surrounding area and comply with the Government guidance in terms of design and sustainability, adaptability and where adequate private amenity open space and public open space is provided with passive surveillance.

The proposed dwelling has been designed and scaled to respect the established residential development within the immediate area, whilst providing a layout that allows an adequate provision of surveillance over public spaces within and surrounding the application site. From the outset, we note that the proposed development provides a housing choice in a suitably located area, on an otherwise underutilised site. The proposal is considered to be consistent with the housing objectives set out in the Development Plan given the zoning and context of the area in this particular instance.

5.7.4 Infill Sites

Section 6.8.1 in the Development Plan 2022-2028 deals with 'Infill, Backland, Subdivision and Corner Sites'. This section notes that sensitive intensification is important to revitalise areas. The development proposed has regard to Policy H13 of the Development Plan which seeks to '*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.*' The following objectives are relevant in this regard:

- H13 Objective 1** *To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.*
- H13 Objective 2** *To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.*
- 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.*
- H13 Objective 6** *To support the subdivision of houses in suburban areas that are characterised by exceptionally large houses on relatively extensive sites where population levels are generally falling and which are well served by public transport, subject to the protection of existing residential amenity.*
- H13 Objective 7** *To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Policy NCBH 22: Features of Interest and Chapter 12: Implementation and Monitoring).*

With regard to the above, it is advised that the proposed is an appropriate infill development which sufficiently intensifies the site while posing minimum effects on the existing residential amenities of the area. It is submitted that the construction of the proposed apartment scheme would have a minimum impact on residential amenities currently enjoyed by adjoining properties. The dwellings to the west of the subject site at St. Maelruan's Park, are two-storey terraced properties which have introduced a higher parapet height to the area, whilst the dormer properties to the north will receive minimal overlooking.

5.7.5 Residential Densities and Building Heights

Section 5.2.7 of the South Dublin Development Plan 2022-2028 has regard to *Density and Building Heights* recognises that land needs to be used efficiently. The Development Plan utilised criteria set out in more detail in *Urban Development and Building Height Guidelines (2018)* for adopting taller buildings to reach higher densities in a variety of locales, including urban city centres, suburban areas, and larger towns. At national level **SPPR1** states:

'In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and

Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.'

The site is currently underutilised, and higher density development is promoted in close proximity to services and public transport, in line with current national planning policy (which will be discussed in greater detail in the subsequent sections) which encourages intensification of development on central sites such as this. The proposed 2 storey dormer dwelling is considered acceptable in this location given the sites access to numerous public transport services, its location along Main Street, the surrounding prevailing height and the limited impact the proposed development has on the amenity of abutting properties.

5.7.6 Car Parking

Section 12.7.4 of the Development Plan 2022-2028 has regard to car parking in South Dublin. This section notes that a balanced approach needs to be adopted, by limiting the number of spaces to be provided for any given development according to need and ensuring the efficient turnover of space. Policy SM7 of the Development Plan 2022-2028 has regard to car parking and *'it is the policy of Council to implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities'*.

Section 12.7.4 of the Development Plan 2022-2028 outlines the car parking standards for South Dublin County. South Dublin is divided into three zones as follows:

- Zone 1: General rate applicable throughout the County.
- Zone 2 (Non-Residential): More restrictive rates for application within town and village centres, within 800 metres of a Train or Luas station and within 400 metres of a high-quality bus service (including proposed services that have proceeded to construction).
- Zone 2 (Residential): More restrictive rates for application within town and village centres, within 400 metres of a high-quality public transport service 5 (includes a train station, Luas station or bus stop with a high-quality service)

| Dwelling Type | No. of Bedrooms | Zone 1 | Zone 2 |
|------------------|-----------------|-------------|-------------|
| Apartment Duplex | 1 Bed | 1 space | 0.75 space |
| | 2 Bed | 1.25 spaces | 1 space |
| | 3 Bed+ | 1.5 spaces | 1.25 spaces |
| House | 1 Bed | 1 space | 1 space |
| | 2 Bed | 1.5 spaces | 1.25 spaces |
| | 3 Bed+ | 2 spaces | 1.5 spaces |

Figure 20.0 Extract from Table 12.26 in the South Dublin County Development Plan 2022-2028

The proposed development, on the basis of its proximity to multiple bus stops, is situated in Zone 2, is therefore required to provide 1.25 spaces for the proposed development. The proposed development seeks to provide for 1 no. car parking space and the relocation of 2 no. existing parking spaces.

It is noted in Section 11.4.2 'Car Parking Standards' that the number of spaces set out above are not to be exceeded, and in some instances a lower rate of parking may acceptable subject to the following:

- *The proximity of the site to public transport and the quality of the transport service it provides. (This should be clearly outlined in a Design Statement submitted with a planning application),*
- *The proximity of the development to services that fulfil occasional and day to day needs,*
- *The existence of a robust and achievable Workforce Management or Mobility Management Plan for the development,*
- *The ability of people to fulfil multiple needs in a single journey,*
- *The levels of car dependency generated by particular uses within the development,*
- *The ability of residents to live in close proximity to the workplace,*
- *Peak hours of demand and the ability to share spaces between different uses,*
- *Uses for which parking rates can be accumulated, and*
- *The ability of the surrounding road network to cater for an increase in traffic.*

The proposed car parking provision is considered appropriate having regard to the subject site's proximity to multiple bus stops, located immediately south east of the subject site.

6.0 Grounds of Appeal

As previously outlined in section 1.2 of this report, the applicant is appealing against the decision of South Dublin County Council to refuse permission. The applicant's grounds of this appeal as outlined in full detail in the body of this appeal submission but can be summarised by the following points:

- The proposed development is consistent with the sites '*RES – Existing Residential*' zoning objective, does not have an adverse impact on adjoining residential amenities and accords with the proper planning and sustainable development of the area. Residential is a permitted in principle use on RES zoned lands;
- The proposed development represents the more efficient and sustainable use of centrally located, zoned and serviced lands that provides an appropriate response to the use of an infill/backland development site, whilst also providing for a high standard of residential accommodation for future residents;
- It is contended that the proposal will significantly enhance the streetscape along Main Street and Barrack Court, by providing for a sympathetic design solution which relates well to its surrounding context;
- The proposed dwelling has been designed and redesigned by the Project Architects, D.C. Turley and Associates, to avoid any impacts of overbearance on adjacent properties, in this context the height of the proposed dwelling is purposely below the ridge height of the existing dwelling at No. 8 Barrack Court to the east and presents as an appropriate modern expression when viewed from Barrack Court;
- The proposed development sufficiently addresses the previous refusal reasons issued under **Reg. Ref. SD18A/0138, Reg. Ref. SD19A/0128**, by providing for a high-quality and appropriately scaled, part single, part two-storey dwelling, which meets the quantitative residential standards as set out within the South Dublin County Development Plan 2022-2028 and the *Quality Housing for Sustainable Communities – Guidelines for Planning Authorities (2007)*;
- The proposed development accords with the key objectives as included within the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031) in that it contributes to the compact growth targets of at least **50% of all new homes to be built within or contiguous to the built-up area of Dublin City and suburbs**;
- The proposed development is consistent with Project 2040: National Planning Framework where the target is for at least **40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites** (Objective 35);

It is submitted that the proposed development is in accordance with the proper planning and sustainable development of the area and as such we respectfully request that An Bord Pleanála overturn the decision of South Dublin County Council and **grant** permission for the proposed development.

This section of the report will provide further discussion on the grounds of appeal and for the benefit of An Bord Pleanála will comprise a response to the reason for refusal under **Reg. Ref. SD22A/0023**. For ease of reference, the Planning Authority's decision to refuse permission under Reg. Ref. SD22A/0023, (a copy of which is included in Appendix A of this report) was issued on 26th January 2023 and based on the following 1 no. reason:

'Vehicular Access, Traffic and Pedestrian Safety

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

In response to the above refusal reason, we strongly contend that the proposed development is representative of a high-quality and appropriately scaled residential development which provides a high standard of accommodation for future residents, whilst also being cognisant of the existing level of amenity and privacy currently enjoyed by neighbouring residents. In this context, it is submitted that the proposed dwelling has been informed by the immediate surrounds and has been designed to prevent any undue loss on existing residential amenity.

This section of the report will discuss the above refusal reason in greater detail and will discuss the commentary of the Planning Officer in arriving at this decision. The refusal reason above relates to the proposed access to the dwelling and, in particular, the legal interest or appropriate consent to utilise the indicated right of way through Barrack Court. The reasons for refusal will be discussed in the following sections.

6.1 Sterilisation of Lands

The decision of South Dublin County Council to refuse permission for development on what is essentially a 'landlocked' site will have detrimental consequences for its future development and use. The decision could effectively sterilize the land, resulting in the creation of a ransom strip and this would be in contravention of the proper and sustainable planning of the area.

The site is surrounded by 3rd party lands and access can only be provided by the proposed entrance into Barrack Court. Due to its strategic location on Main Street in Rathcoole, and in close proximity to high quality bus stops, this site is a prime location for sustainable infill residential development and would comply with the following policy objectives of the National Planning Framework:

| | |
|--------------------------------|---|
| National Policy Obj. 3a | Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements. |
| National Policy Obj. 35 | Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. |

The National Development 2021-2030 also requires compact urban growth, stating:

This outcome aims to secure the sustainable growth of more compact urban and rural settlements supported by jobs, housing, community services and amenities, rather than sprawl and unplanned, uneconomic growth.

Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work. All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of being developed to provide housing, jobs, amenities and community services, but which need a streamlined and co-ordinated approach to their development, with investment in enabling infrastructure and supporting amenities, to realise their potential. Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.

*This requires streamlined and co-ordinated investment in urban, rural and regional infrastructure by public authorities to **realise the potential of infill development areas within our cities, towns and villages.***

This overlaps with the plan's push for sustainable transport and mobility in the country, focusing on active travel and public transport options. Given the site's proximity to high quality bus stops, and nearby facilities and amenities, it is a strategic location for residential development hence why the land is zoned RES – Existing Residential in the South Dublin County Development Plan 2022-2028.

Furthermore, we contend that the current proposal to which this planning appeal pertains, has been prepared having due regard to the refusal reasons outlined in relation to the previously refused developments on the subject lands under Reg. Ref. SD18A/0138 and Reg. Ref. SD19A/0128. We note that the refusal reason under the subject application, Reg. Ref. SD22A/0023, in relation to the right of access has not been mentioned in either of the previous refusals and we submit that an agreement can be made with the Planning Authority in relation to the access arrangements following a grant of planning permission. We submit that the applicants submitted a previous agreement with South Dublin County Council made by the subject land's previous owner, and our clients welcome the opportunity to agree a similar agreement with the Planning Authority following a grant of permission.

6.2 Relocation of Existing Parking

In response to the further information request item no. 4(iv) in which the applicants were requested to submit;

'a site layout plan of not less than 1:100 scale, showing a swept path analysis drawing (i.e. AutoTRAK or similar) demonstrating;
(a) how cars access/egress the proposed new parking spaces;
(b) that fire tenders and large refuse vehicles can access/egress the site'.

In response to the above item of the request for Further Information from South Dublin County Council, Donnachadh O'Brien and Associates Consulting Engineers have prepared a response displaying the cars, emergency vehicle (fire tender), and refuse vehicle movements accessing and egressing from the site (see drawing no. 2275-DOB-XX-SI-DR-C-0070 titled Proposed Autotracks).

For clarity, we submit to An Bord Pleanála that the proposed development will provide 1 no. new on curtilage parking space to serve the proposed dwelling and proposes to relocate 2 no. existing vehicular spaces to the south of the proposed dwelling.

We submit that the proposed autotrack drawings prepared by Donnachadh O'Brien and Associates Consulting Engineers outlining the domestic, fire and refuse vehicular movements within the subject site are suitable for the subject site due to the infill nature of the development and we are satisfied that the vehicular movements for the 3 no. parking spaces under the subject application are safe and provide adequate space to manoeuvre. Both the inbound and outbound manoeuvres for fire tender from the subject site through Barrack Court are achieved. To the west of the 2 no. relocated parking spaces located to the south of the proposed development we would ask the Board to consider attaching a condition to a grant of permission of a yellow box to allow for the manoeuvring of the domestic vehicle egressing from the proposed development. This yellow box is displayed on Figures 21.0 and 22.0 overleaf for reference.

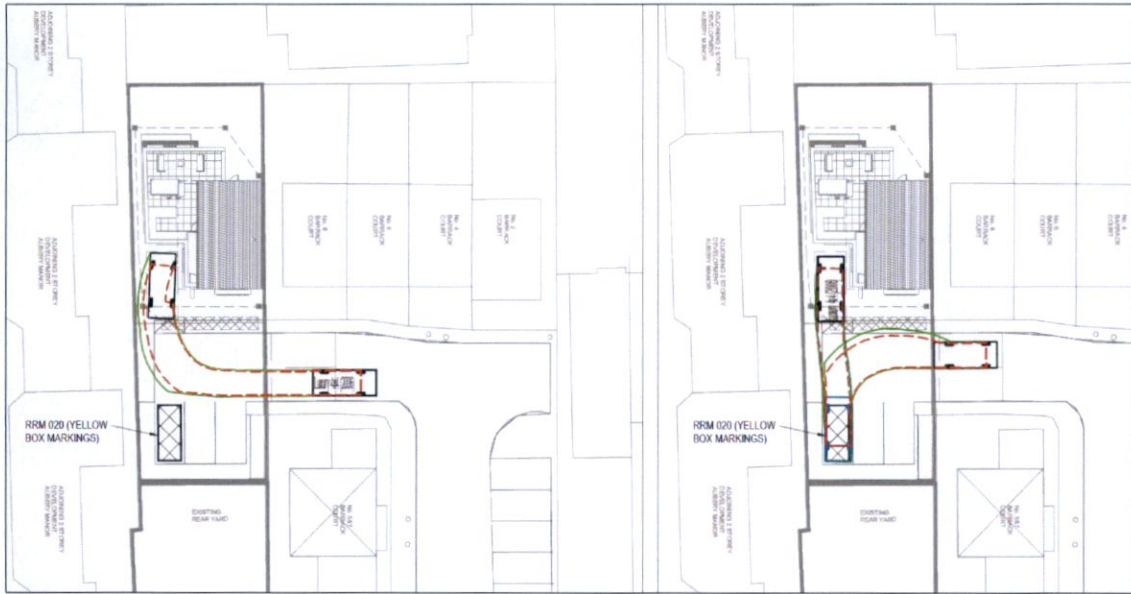


Figure 21.0 Amended proposed vehicular access (left) and egress (right) from the subject lands prepared by Donnachadh O'Brien & Associates Consulting Engineers displaying the proposed 'yellow box' for manoeuvring when egressing the proposed development.

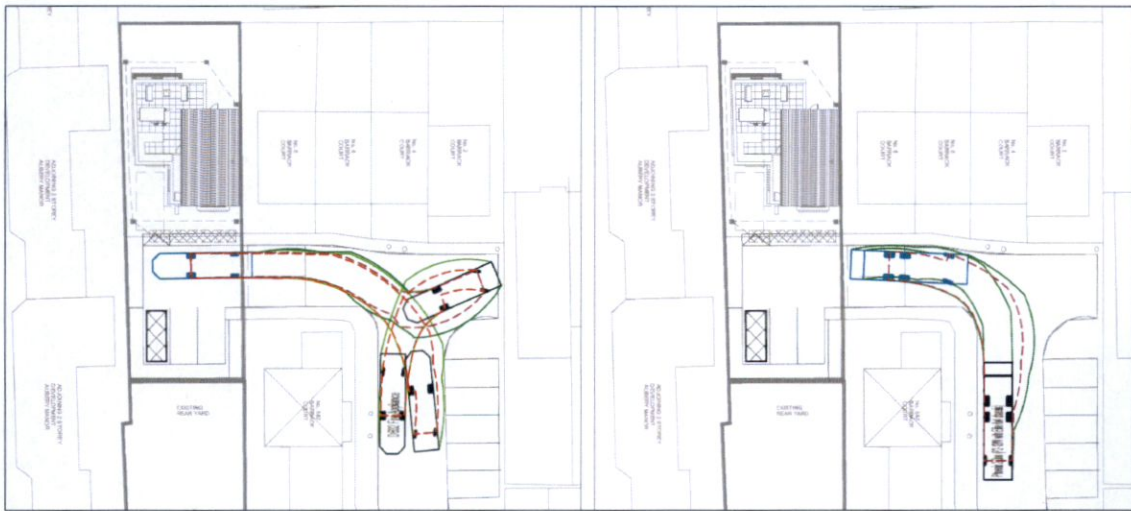


Figure 22.0 Amended proposed Fire Tender access and egress (left) and Refuse Vehicle access and egress (right) from the subject lands prepared by Donnachadh O'Brien & Associates Consulting Engineers.

The amended autotrack drawings prepared by Donnachadh O'Brien & Associates Consulting Engineers displays that, in relation to the fire tender vehicles, they will now be able to enter Barrack Court in a forward gear and exit Barrack Court in a forward gear due to the additional space being provided following the proposed development, this is outlined above in Figure 22.0. The proposed development therefore allows for safer and a more efficient turning area for fire tender vehicles. We note that refuse vehicle access and egress from the subject site remains the same following this autotrack reassessment.

7.0 Conclusion

This first party appeal is prepared on foot of a decision by South Dublin County Council to refuse permission under **Reg. Ref. SD22A/0023** for a proposed residential development which comprises the construction of a part single, part two-storey infill residential development.

It is contended that the proposal is acceptable and compliant with the zoning objective, policies and objectives as set out in the South Dublin County Development Plan 2022-2028 which would facilitate a more efficient use of the zoned and serviced lands within the existing built-up area of Rathcoole to provide for additional high-quality residential accommodation.

The design and scale of the proposed development has been informed by the character of adjoining properties and has had due regard to the previous refusal reasons pertaining to the subject site. In addition, the proposal will not break the established building line set by the neighbouring dwellings and the selected materials for the subject site will ensure that the proposal will harmonise with the existing built-form of the area. As stated from the outset, it is considered that the development will provide a high level of residential amenity for its future residents while preserving adjacent residential amenities.

This appeal addresses the refusal reason of South Dublin County Council, which we note did not feature in the refusal of the two previous applications under SD18A/0138 and SD19A/0128. It is considered that the proposed dwelling, due to its high quality design, and consideration of national, regional, and local policy guidelines and goals, compliments the existing character of the area without harming the amenities of the adjoining properties. The proposed dwelling will respect the existing streetscape of Barrack Court, Main Street and adjacent properties.

As mentioned above, the development is in accordance with the proper planning and sustainable development of the area and as such, we request that planning permission be **granted** in this instance.



Kevin Hughes MIPI MRTPI
Director
for HPDC Ltd.

Appendix A Copy of South Dublin County Council's Notification of Decision to Refuse Permission under Reg. Ref. SD22A/0023.

Robert Turley
2, The Crescent
Pipers Hill
Naas
Kildare

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

| | | | |
|---------------------------|------------|-------------------------|-------------|
| Decision Order No. | 0095 | Date of Decision | 26-Jan-2023 |
| Register Reference | SD22A/0023 | Date | 21-Dec-2022 |

Applicant:

Garocal Limited

Development:

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

Location:

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

Time extension(s) up to and including:

Additional Information Requested/Received:

24-Mar-2022/21-Dec-2022

Clarification of Additional Information Requested/Received:

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. Vehicular Access, Traffic and Pedestrian Safety
Having regard to the content of the South Dublin County Development Plan 2022-2028, namely Policy SM7 Objective 10, Policy SM7 Objective 11 and the content of Section 12.6.8, it is

considered that the Applicant has not sufficiently demonstrated legal interest or appropriate consent to utilise the indicated right of way through Barrack Court and has failed to demonstrate the successful deliverability of the revised car parking arrangement for the existing and proposed residential units without compromising the comfort and safety of pedestrians, cyclists and residents within Barrack Court. The proposed development would, therefore, be contrary to the proper planning and development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD22A/0023

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 30-Jan-2023
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
 3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
 4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
 5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
 6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
 7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)€660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f)€220.00
 - (e) Application for leave to appeal€110.00
 - (f) Appeal following a grant of leave to appeal€110.00
 - (g) Referral€220.00
 - (h) Reduced fee (payable by specified bodies).....€110.00
 - (i) Submission or observations (by observer).....€50.00
 - (j) Request from a party for an Oral Hearing€50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100

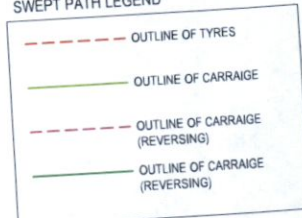
Appendix B Revised autotrack drawings prepared by Donnachadh O'Brien & Associates Consulting Engineers.

© COPYRIGHT THIS DRAWING OR DESIGN MAY NOT BE REPRODUCED WITHOUT PERMISSION
DO NOT SCALE: CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY ERRORS OR OMISSIONS

NOTES:

- FOR STANDARD DOBA NOTES REFER TO DRAWING 2275-DOB-XX-XX-DR-S00.1 & S00.2
- REFER TO ARCHITECTS DRAWINGS FOR ALL SITE & APPLICATION BOUNDARIES
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ARCHITECT'S & ENGINEER'S DRAWINGS AND SPECIFICATIONS.
- USE FIGURED DIMENSIONS ONLY. DO NOT SCALE
- REFER TO SURVEY DRAWINGS FOR EXISTING SERVICES LAYOUTS AND MANHOLE INFORMATION
- ALL EXISTING SURFACES TO BE REINSTATED FOLLOWING DIVERSION OF SERVICES/CONSTRUCTION OF NEW SERVICES
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LEVELS WITH ARCHITECTURAL DRAWINGS PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES TO BE NOTIFIED TO THE ENGINEER & ARCHITECT FOR RESOLUTION
- CONTRACTOR TO ENSURE ALL WATER & WASTEWATER RELATED WORKS ARE IN ACCORDANCE WITH THE IRISH WATER WATER INFRASTRUCTURE & WASTEWATER INFRASTRUCTURE CODE OF PRACTICE & STANDARD DETAILS DOCUMENTS
- TESTING OF ALL GRAVITY SEWERS AND MANHOLES TO BE IN ACCORDANCE WITH IRISH WATER CODE OF PRACTICE FOR WASTEWATER INFRASTRUCTURE SECTION 4.10 TESTING OF GRAVITY SEWERS & MANHOLES

SWEPT PATH LEGEND

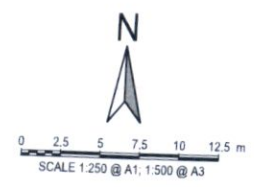


PROPOSED FIRE TENDER ACCESS / EXIT
SCALE 1:500 @ A3

PR. REFUSED VEHICLE ACCESS / EXIT
SCALE 1:500 @ A3

FOR INFORMATION ONLY

AN BORD PLEANÁLA
 LTR DATED 22 FEB 2023
 LDG. FROM applicant
 ABP. 3580-23



| | | | | |
|--------|------------------------|------------|-------|-------|
| S2.P02 | ISSUED FOR INFORMATION | 22.02.2023 | KD | AL |
| S2.P01 | ISSUED FOR INFORMATION | 16.12.2022 | KD | AL |
| Rev. | Note | Date | Drawn | Check |

DONNACHADH O'BRIEN & ASSOCIATES CONSULTING ENGINEERS
 UNIT 5C ELM HOUSE MILLENNIUM PARK NAAS CO. KILDARE
 PHONE +353 45 984 042
 INFO@DOBRIEN-ENGINEERS.IE WWW.DOBRIEN-ENGINEERS.IE

Client: GAROCAL LTD
 Project: PROPOSED DEVELOPMENT AT COPPER KETTLE, RATHCOOLE

| | | | | |
|------------------------------------|--|------------------|-----------------|----------------|
| Drawing Title: PROPOSED AUTOTRACKS | | | | |
| Drawn By: KD | Checked By: AL | Approved By: DOB | Date: DEC. 2022 | Scale: 1:500 |
| Project Number: DOBA2275 | Drawing Number: 2275-DOB-XX-SI-DR-C-0070 | Status Code: S2 | Rev Number: P02 | Sheet Size: A3 |