

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0096 **Application Date:** 05-Apr-2022
Submission Type: Significant **Registration Date:** 21-Mar-2023
Additional
Information

Correspondence Name and Address: Donna Ryan, Downey Planning 29, Merrion Square, Dublin 2

Proposed Development: Demolition of some of the existing structures on site to include a portion of an existing rubble wall; the rear extension of an existing cottage; existing structures, storerooms, and sheds to the west and north of Muldowney's Pub; the reconfiguration, renovation, and extension of the existing cottages on site to provide for 2 two bedroom units; the reconfiguration and renovation of Muldowney's Pub and storage yard; the construction of 21 residential units within 2 three storey blocks to the rear and side of Muldowney's Pub as follows: Block A will provide 6 one bedroom units, giving a total of 6 apartments in this building; Block B will provide for a mix of 3 one bedroom and 12 two bedroom units, giving a total of 15 units within this Block; private open space will be provided in the form of balconies with communal open space provided in the centre of the site. The development will also include the provision of a pedestrian access from Main Street and a pedestrian and vehicular access via the existing car-park entrance to the rear of Muldowney's Pub; Provision of 32 carparking spaces and 44 bicycle spaces, all ancillary hard and soft landscaping, boundary treatment, ESB sub-station, signage, bin and bike stores and all engineering and site development works necessary to facilitate the development.

Location: Muldowney's Pub, Main Street, Rathcoole, Co. Dublin

Applicant Name: Lorat Trading Ltd.

Application Type: Permission

(CM)

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Description of Site and Surroundings

The subject site is located on the northern side of Main Street, Rathcoole.

The site comprises Muldowney's Public House and, to the west of that, 3 no. single-storey terraced cottages in two original structures. There are associated outbuildings to the rear, and a large portion of the site to the rear is used as a car park.

Vehicular access to the site is via 'Eaton Way', a cul-de-sac which bounds the western boundary of the site and the rear boundary of the site to the north. This cul-de-sac currently serves the carpark of Muldowney's Pub, the Church of the Holy Family and Scoil Chronain's National School.

The site is composed of two principle elements:

- The southern portion of the site shows the consolidation of several plots by the main street and the cul-de-sac to the west.
- The norther portion of the site is the rear half of a single original burgage plot at 15m in width is considerably narrower than the southern portion of the site. In total, the site extends approx. 170 metres from front to back.

Site Area: Stated as 0.57 Ha.

Site Visit: 24th May 2022

Zoning:

The site is divided between two zoning objectives:

- The 'VC' zoning objective seeks "to protect, improve and provide for the future development of Village Centres". Most of the southern portion of the site is zoned VC.
- The 'RES' zoning objective seeks "to protect and/or improve residential amenity." The narrow northern portion of the site, and some of the wider site to the south, is zoned 'RES'.

SEA Environmental Sensitivity Screening

The site overlaps with the following layers of interest:

- Rathcoole Architectural Conservation Area
- Rathcoole Area of Archaeological Potential
- There is a protected structure in close proximity (3 bay semi-detached house at Main Street, Rathcoole, RPS Ref. 312)
- Rathcoole village centre is on the Record of Monuments and Places (RMP Ref. DU021-030).

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Consultations

Internal

SDCC Architectural Conservation Officer	Requests Additional information.
Environmental Services	Requests Additional information.
Roads	Requests Additional information.
Public Realm	Requests Additional information.

External

Irish Water	No objection, subject to conditions.
Department of Defence	No response received.
HSE Environmental Health Officer	No response received.

Submissions/Observations/Representations

Submissions have been received from Rathcoole Community Council CLG and Scoil Chrónáin, and 4 submissions have been received on behalf of individuals/households living on Main Street, Rathcoole.

The issues raised can be summarised as follows:

Principle of Development

- No masterplan submitted for this development, to show how the development would interact with the permitted school (SD21A/0231) and other users of the cul-de-sac.
- Site should be used to replace some retail capacity lost in recent times.
- Proposal does not provide bedspaces or children's play areas to benefit families in Rathcoole.
- Development is too dense. (23 units on a 0.57 Ha. site). Proposal represents overdevelopment of the site.
- No provision of 3-bed units. Reference is made to a renter's market.

Access, Transport and Parking

- Severe congestion occurs on the cul-de-sac during church services. Car park on the site is currently used by church goers.
- Removal of existing car park would lead to congestion in the cul-de-sac.
- Additional traffic movements at site entrance would lead to congestion in the cul-de-sac.
- No multi-unit developments should be permitted in Rathcoole until a traffic and transport study is undertaken, and the appropriate actions implemented.
- Traffic congestion in Rathcoole is at an all-time high.
- Vehicular access is a risk to users of the school, church and community centre.
- Additional traffic movements at the access road would be highly dangerous.
- Emergency services access could be compromised by additional traffic on the cul-de-sac.
- Traffic from this development will add to traffic from school development (SD21A/0231).

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

- Impossible to use cul-de-sac during church or funeral services due to illegal parking and vehicular access to the church.

Architecture and Character

- Apartment design is inappropriate given that it will be visible from the main street.
- Proposal would be out of character with existing homes on Main Street.
- Not in keeping with the character of the village.

Residential Amenity

- Overshadowing of neighbouring property at 116 Main Street.
- Upgrade of Tay Lane sewage pumping station is needed to cater for any additional demand.
- Loss of privacy to adjoining rear gardens.
- Loss of natural light to adjoining dwelling.
- Loud patrons and music from public house will be exacerbated due to additional structures providing for noise reverberation. A Traffic and Transport Study has been promised for Rathcoole.

Other Issues

- Integrated green infrastructure / surface water solution should be implemented between adjacent sites being developed concurrently.
- Block B will overlook school grounds.
- Risk of overshadowing to neighbouring properties.
- Loss of privacy to neighbouring properties.
- Potential noise impact of the public house. Noise impact at present is an issue.
- Private outdoor amenity space is very limited.
- Environmental Regulations should be complied with, with respect to domestic waste.
- Anti-social behaviour has occurred in the car park of the pub.
- Concerns for management of waste.
- Management of waste should be the responsibility of owners, not a management company.

Aviation

- Noise survey does not take account of aviation noise.
- Department of Defence has not been consulted, and no aviation impact study submitted.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Planning History

Subject Site

S99A/0067

Permission **refused** for (1) Demolition of adjoining dwelling and building of two storey extension to side of existing lounge bar including carvery counter, kitchenette and dining area, seating area, ladies and gents toilets at ground floor level with restaurant, gallery, kitchen, ladies and gents toilets, staff kitchen and changing area, office at first floor level. Plus, ancillary work to front elevation of existing lounge bar. (2) Extension of existing car park and extension of existing boundary wall around car park to rear and side. (3) Installation of Biocycle Waste Water treatment plant.

SD07A/0867

Permission **refused** by An Bord Pleanála (overturning a decision to grant permission by SDCC) for Demolition of existing pub, business centre, cottages & outbuildings and their replacement with a mixed use residential and retail development consisting of 4 blocks: Block A being 3 floors comprising 26 x 2 bed apartments and 6 x 3 bed apartments on first and second floor over a pub and 2 retail/food stores at ground floor over basement car parking; Block B1 being 3 floors comprising 6 x 3 bed duplex apartments and 6 x 2 bed apartments; Block B2 being 3 floors comprising 7 x 4 bed houses; Block C being 4 floors comprising 18 x 2 bed apartments and 6 x 3 bed apartments above basement car parking; basement parking for 184 cars and surface parking for 57 cars and associated site works.

SD11A/0275 (on eastern portion of the site)

Permitted **granted** for (1) Change of use of part of existing public house to restaurant unit; (2) elevation changes and signage to form entrance and shopfront.

SD11A/0276 (on western portion of the site)

Permission **granted** for the demolition of existing structures on site & the construction of new two-storey mixed use shop & office development totalling 923 sq.m. comprising of: (1) street level shop unit; (2) first level office accommodation; (3) circulation areas; (4) covered yard to rear; (5) ancillary surface car-parking to rear & (6) all ancillary site works & services.

Recent Applications on Neighbouring Sites

SD18A/0331 at Scoil Chrónáin National School (site to the north and west of the church)

Permission for retention **granted** for a 3 year period, for the existing prefabricated accommodation building consisting of 4 classrooms, 1 resource room and plant room together with all associated site works located within the playing fields to the rear of the school and to the west of the Holy Family Catholic Church. The development was previously granted permission under planning reference SD15A/0204 for a period of 3 years.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

SD19A/0075 at Scoil Chrónáin National School

Permission **granted** for single storey prefabricated accommodation consisting of 2 classrooms with ancillary toilets; 1 resource room; a canopy to link the unit to the existing prefab; 4 car parking spaces, all located to the rear of the existing prefabricated unit; the works also include the provision of 2 gates within the existing fencing to the west of the site and a new footpath access to the west connecting to the existing footpath to the front of the site together with all associated site works.

SD20A/0080 at Scoil Chrónáin National School

Permission **granted** for a temporary single storey prefabricated building to be linked to the existing single storey prefabricated building granted under Ref. SD19A/0075; 2 general classrooms each with toilet accommodation (one containing accessible WC); 1 store; entrance lobbies; 1 user assisted toilet; 2 staff toilets and 4 car park spaces all located to the north-rear of the existing school and existing prefabs together with all other ancillary and associated siteworks.

SD21A/0231 at Scoil Chrónáin National School

Permission **granted** for removal of all existing temporary accommodation and construction of a new 16 classroom part three storey, part two storey primary school (Roll No 19503H); including GP Hall, 2 classroom Special Educational Needs Unit and all ancillary site works. The proposed project also incorporates associated staff car parking, delivery aces, drop off areas, pedestrian/bicycle access, construction of 2 external ball courts, acoustic boundary wall plus additional boundary treatments, landscaping, connection to public services and all associated site works.

Enforcement History

No recent relevant enforcement history recorded.

Relevant Policy

National Policy

The relevant policy documents are detailed below. The Planning Authority are of the opinion that of most significant relevance is the National Planning Framework (NPF). In this regard, National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of 'Compact Growth'. The NPF states,

'From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people.'

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

The NPF indicated that the delivery of compact growth will be through National Policy Objective 2a, which states,

‘A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.’

and National Policy Objective 3a, which states,

‘Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.’

The National Planning Framework also includes a specific Chapter, No. 6, entitled ‘People, Homes and Communities’. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Other Ministerial Guidelines and Policy

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

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

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

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

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

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

Urban Development and Building Heights Guidelines for Planning Authorities, (2018)
Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government (2007).

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

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

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

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

Departmental Circulars, Department of Housing, Planning and Local Government (2020) – as listed:

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy
- Circular NRUP 02/2021 - Residential Densities in Towns and Villages

Circular Letter NRUP 03/2021 – s.28 Guidelines on the Regulation of Institutional Investment in Housing

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Policy CS1 Consolidation Areas within the Gateway

Policy CS2 Metropolitan Consolidation Towns

Policy CS3 Emerging Moderate Sustainable Growth Town

Policy CS4 Towns and Villages

Policy H3 Housing for Older People

Policy H4 Student Accommodation

Policy H6 Sustainable Communities

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Policy H10 Mix of Dwelling Types

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Section 2.3.0 Quality of Residential Development

Policy H11 Residential Design and Layout

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Public Open Space

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Section 3.2.0 Community Facilities

Policy C1 Community Centres

It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.

Section 3.13.0 Open Space Management & Use

Policy C12 Open Space

It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Section 6.3.0 Walking and Cycling

Policy TM3 Walking and Cycling

It is the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation by prioritising the development of walking and cycling facilities within a safe and traffic calmed environment.

Section 6.4.3 Road and Street Design

Policy H12

It is the policy of Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Section 7.8.0 Aerodromes & Airports

Section 7.8.1 Casement Aerodrome

Policy IE8 Casement Aerodrome

IE8 Objective 2 (C)

Protect runway 05 as a Code 3 subsidiary visual approach runway due to the land contours in the area and prevent objects from penetrating the relevant approach, transitional, inner horizontal and conical limitation surfaces for a visual approach runway in accordance with Section 3.13 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015).

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

The extent of the lands under the runway approach surface whereby no development is allowed for runway 05 (Rathcoole end) is shown on the Development Plan maps (i.e., 1,100 metres) and the ICAO standards will not prejudice the development of zoned lands in Rathcoole.

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 10.0 Energy

Policy E4 Energy Performance in New Buildings

Section 11.2.0 Place Making and Urban Design

Section 11.2.1 Design Statements

Section 11.2.2 Masterplans

Table 11.17: Masterplan Considerations

Section 11.2.7 Building Height

Section 11.3.1 Residential

- (i) Mix of Dwelling Types*
- (i) Residential Density*
- (ii) Public Open Space/Children's Play*
- (iii) Dwelling Standards*
- (iv) Privacy*
- (v) Dual Aspect*
- (vi) Access Cores and Communal Areas*
- (vii) Clothes Drying Facilities*

Table 11.20: Minimum Space Standards for Houses

Table 11.21: Minimum Space Standards for Apartments

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Section 11.4.3 Car Parking for Electric Vehicles
Section 11.4.4 Car Parking Design and Layout
Section 11.4.5 Traffic and Transport Assessments

Section 11.6.1 (i) Flood Risk Assessment
Section 11.6.1 (ii) Surface Water
Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)
Section 11.6.1 (iv) Groundwater
Section 11.6.1 (v) Rainwater Harvesting
Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings
Section 11.8.1 Environmental Impact Assessment
Section 11.8.2 Appropriate Assessment

Development Details

Gross Site Area (Ha.)						0.57
Existing						
Cottage Units						3
• Studio/1-bed						2
• 2-bed						1
Proposed						
No. of Proposed Units						23
○ 1-Bed						9
○ 2-Bed (Reconfigured Cottages)						2
○ 2-Bed						12
Gross Floor Area						
	Existing	Demolition	Remaining	New	Total Proposed (Remaining + New)	
Residential (Cottages and new residential blocks)	189	48	141	811	953	
Commercial (Public house)	760	291	469	0	469	
Total	949	339	610	811	1422	
Plot Ratio of Proposed						0.25
Site Coverage						Stated as 25%
Residential Density (DpH) on full site						40

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Net Residential Density (Public site excluded)	100
Open Space (Sq.M)*	Stated as 1,292
Not defined as public or communal.	

Assessment

The main issues for consideration are:

- Zoning and Council Policy
- Urban Design and Layout
- Residential Amenity
- Architectural Conservation
- Visual Impact
- Mix of Uses
- Access, Transport & Parking
- Public Realm and Ecology
- Water
- Environmental Health
- Public Housing
- Waste
- Aviation Safety
- Taking in Charge
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Policy

The site is divided between the following zoning objectives:

- The 'VC' zoning objective seeks "to protect, improve and provide for the future development of Village Centres". Most of the southern portion of the site is zoned VC.
- The 'RES' zoning objective seeks "to protect and/or improve residential amenity." The narrow northern portion of the site, and some of the wider site to the south, is zoned 'RES'.

As per zoning matrix tables in section 11 of the County Development Plan, the 'public house' use is permitted in principle under the 'VC' zoning objective, and 'open for consideration' under the 'RES' objective. Residential development is permitted in principle in both 'VC' and 'RES' zones.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Both uses are already present on the site. The proposed development amounts to an extension and intensification of residential use by way of infill development to the rear of the site, and refurbishment/reconfiguration of the existing residential units in the cottages. The Public House will not be extended in size under this development, though it will be serviced and facilitated by car parking to the rear.

In principle, the uses are allowable.

See image for division of zoning objectives:



Settlement Strategy

Variation 4 of the County Development Plan transposed the settlement strategy of the Eastern & Midlands RSES into local policy. Under Chapter 1 'Core Strategy' of the Plan, Rathcoole is identified as a 'town or village' and as per Policy CS4,

“It is the policy of the Council to support the sustainable long term growth of Towns and Villages based on local demand and the ability of local services to cater for growth.”

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

CS4 Objective 1 reads:

“To support and facilitate development on zoned lands on a phased basis subject to approved Local Area Plans.”

Rathcoole is not subject to a Local Area Plan and there are no requirements in the County Development Plan for phasing of development in Rathcoole.

The designation of Rathcoole as a village indicates, as per the rationale contained within the RSES, that it is not an area with strong public transport or sustainable transport links. Specifically, it does not have good connections to the red line Luas or future Dart extension as part of the south-west corridor.

It should be noted also that the prospect of new residential development in Rathcoole does not support the recommendation of the Greater Dublin Transport Strategy to reduce the need to travel.

Residential Density

The proposed density on the site is stated as **40 dwellings per Hectare**. This figure takes the full site area of 0.57 Ha.

The portion of the site which will contain the residential blocks, residential parking, and the open space most clearly associated with that residential development, is the western half of the site. The eastern half contains the pub car park, the pub, and an area of open space which is detached from both the residential development and the pub and shares a boundary with the lane to the rear (it is possible that the rear of the site could be redeveloped as an independent residential site with rear access).

Excluding the eastern half of the site, the residential area measures approx. 0.26 Ha. or slightly less than half of the overall site area. The provision of 23 units on a 0.25 Ha. site gives a net residential density of approx. **90 dwellings per ha.**

In terms of settlement policy, the density figure is only useful as a guide. It is clear however that the proposed development would represent a major uplift in residential densities in Rathcoole village. Policy UC3 of the County Development Plan states the following with regard to the traditional village centres of the county:

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

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

UC3 Objective 2

To promote design standards and densities in traditional village centres, that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes.

The applicant should reconsider the proposed density and should specifically address how the provision of residential development at this density in the village of Rathcoole accords with regional settlement strategy. This can be done by way of **additional information**.

Urban Design and Layout

The development is laid out with residential uses to the west, bounded by an access road through the site to the east where pub car parking is provided, and access to the pub from the car park via the rear of the building. The residential blocks are arranged as so: block A is located immediately behind the cottages, on the western boundary of the site. Block B is located north of block A and is a corner block, creating a north and north-west perimeter. Blocks A and B, the cottages, and the public house, thus create a perimeter block around a central courtyard space. There is an emergency access door from the pub to the open space/courtyard. The public house does not front onto the courtyard, but there are windows from pub toilets to the rear of the building, directly into the courtyard. The courtyard space is accessible to pedestrians from Main Street and from the west of the site.

The Planning Authority has concerns relating to layout and privacy/amenity.

The applicant has not provided public realm / landscape plans, and it is not clear what the quality of the courtyard space would be as communal open space. It is noted that the proposal doesn't provide public open space. Section 11.3.2 of the Development Plan outlines that in relation to infill that 'subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park.'

In terms of privacy, there are a few issues with the courtyard space. (1) As it is located adjacent to a public house, the open access to the courtyard from Main Street is problematic and may present a challenge to the residential amenity and enjoyment of the semi-private space for residents. (2) The provision of open accesses to the south and west also potentially provides a through-route for people walking to and from church or school. This also may compromise the ability of residents to enjoy the space. (3) The emergency access from the public house is a major risk, as the enjoyment of the space is dependent on the management of the pub adhering strictly to the conditions of any planning permission.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Furthermore, the doorway would likely need to become a party boundary between the public house and the lands owned by an Owner's Management Company set up under the Multi-Unit Developments Act 2011. It is not clear that this would be a secure boundary and this may raise issues with obtaining insurance.

All of the above issues impact amenity as well as privacy, but additionally there is the issue of pub toilet windows fronting onto the courtyard space, allowing for noise and odours to filter into the courtyard.

It is noted that, at present, the minimum private open space is provided for each apartment unit (excluding cottages) as per the Apartment Guidelines. It should be possible to compensate for lack of quality communal space by providing the required communal space within private balconies and terraces (i.e., doubling them in size).

The applicant should therefore be asked to reconsider these aspects of the development layout, to clarify the purpose of the courtyard (communal or public open space) and to illustrate either that it is a communal amenity space with adequate privacy and amenity value, or otherwise that the lack of such dedicated community space can be made up for with more generous provision of private balconies and terraces, or alternative communal open space provision. This should be dealt with by **additional information**.

Street Frontage and Own Door Access

The proposed development features ground floor units fronting onto streets in Block B which are not provided with own-door access. It is considered appropriate given the village centre setting, that the units fronting onto the internal access street or the internal courtyard are provided with own-door access, and the circulation areas at ground floor can consequently be reduced. This can be addressed by **additional information**.

Residential Amenity

Residential Standards: Cottages

The proposed reconfiguration of the cottage units would see three small residential units turned into 2 no. 2-bedroom units. These units would more accurately be described as houses rather than apartments as per the applicant's schedule of accommodation. These generally meet the recommendations provided for in the 2007 Quality Housing for Sustainable Communities guidelines – however, they fall short in terms of private open space requirements. As per section 11.3.2 of the County Development Plan, reduced standards can be acceptable in the case of infill development. Considering the benefit of the improvement to internal layout in each of these units, their being brought back into use and the benefit of that to the character of the village, the proposed reconfiguration of the cottages is acceptable.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Residential Standards: Apartments

The schedule of accommodation shows that the apartments generally meet the minimum standards provided for in the 2020 Apartment Guidelines, with the exception of section 3.8 'Safeguarding Higher Standards'. As per sections 3.8 – 3.15 of the guidelines, a 10% uplift on the minimum standards should be provided for either in a majority of units or spread out more evenly over a larger number of units. The applicant has not complied with sections 3.8 – 3.15 and should show compliance with this part of the 2020 guidelines by way of **additional information**.

Noting earlier comments on communal and private open space, it is advised that any compensatory private amenity space should be in addition to any uplift in minimum floor areas required as per section 3.8 of the guidelines.

Inward Noise

The proposed development is located close to the N7 and an Acoustic Design Statement has been provided. No report has been provided by the HSE Environmental Health Officer.

The report notes that private balconies would not be appropriate for the western façade of Block A, and the north, west and north-eastern façade of Block B, due to external noise levels, and suggests the use of winter gardens instead. Internal noise levels within the apartments will require windows to be closed during the day, and ventilation measures are required, with all facades declared suitable for mechanical ventilation.

The Acoustic Design Statement has not taken into account aircraft noise. The applicant's acoustic design consultant should make a comment on this matter and submit a revised assessment report, if necessary, by way of **additional information**.

The Acoustic Design Report notes that balconies on the top floor of the east façade of Block A, and on the southeast façade of Block B, will exceed desirable noise levels, but that this is offset by the desirable noise levels in the communal open space. The applicant should address therefore the noise levels on these balconies if measures to further secure privacy in the communal open space are not proposed to be implemented (as per above comments on layout), by way of **additional information**.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Architectural Conservation

The SDCC Architectural Conservation Officer has provided the following appraisal of the proposal:

This is an application for the demolition of existing structures on site and the reconfiguration, renovation and extension of 3 no. existing single-storey cottages along Main Street. The reconfiguration and renovation of the existing Muldowney's Pub and the construction of 21 residential units within 2 no. 3-storey blocks to the rear and side of the existing public House. Block A will be located to the front of the site, running parallel to the southern boundary behind the existing cottages which are located along Main Street. Block B is located to the rear of the site, adjacent to Muldowney's Public House. The proposed development is located within the Architectural Conservation Area of Rathcoole Village.

The reuse of the 3 no. cottages along Main Street is a welcomed part of the proposed development allowing retention of these buildings and streetscape character along Main Street. As part of the application an Architectural and Urban Design Statement has been provided which includes a site context and site analysis which is particularly important when providing a design rationale and impact assessment of any proposed new build within an Architectural Conservation Area. The larger single-storey cottage and the two vernacular (3-bay and 2-bay) cottages along with Muldowney's Pub provide streetscape character along this part of Main Street. The existing buildings are single-storey or one and a half storey. Any taller buildings at this location will be highly visible from Main Street. A pre-planning Meeting took place during March 2020 and the possible visual impacts and the requirement to retain the existing single-storey cottages were discussed along with the requirements for any new development within an ACA. The relationship to the existing Church site adjacent was raised and how any development should establish a building line along the northwest of the site allowing the integration of the new development on the Church side, thereby linking the new development somehow back into the Main Street.

It is proposed to provide street frontage to the western open space of the development with the Church as the focal point in acting as a key to the sequencing of external space. A new inner street connecting the Main Street to the linear church open space is created and there is a set back of the northern block proposed to provide sufficient circulation space and visibility around the existing Church.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

The southern block is linked to the existing cottages to create two L-shaped plan block arrangements around two inner squares which form an urban edge to the western open space and church. It is felt at this area that some separation distance is required to the rear of the corner single-storey cottage allowing a graduation of heights and sufficient setback. It is considered that having the 3-storey block directly onto the rear of the corner cottage allows the block to be imposing and completely dominate the single-storey cottages. Varying heights and some separation to delineate the Main Street buildings from the rear block onto the Church site is required to minimise the visual impact. The block form of the proposed residential units is larger in mass and scale thereby creating more visual impact. The existing Church building although located setback off Main Street still provides architectural interest and character within the village setting. The new development at this location needs to provide a greater level of architectural interest and character. The proposed blocks need to achieve a backdrop of added architectural quality and interest to the rear of the existing single-storey cottages and existing public house.

It is considered that more consideration needs to be given to the materials and finishes in order to address the above. The height of the blocks needs to show different heights and setback to reflect the different building heights, roof levels/types and architectural character and materials of the existing building stock along Main Street and the village core. Block A should be re-designed to ensure the street frontage element is delivered along with achieved visual connection to Main Street at this location, therefore the design should provide variations in height, levels and roof profiles to reflect a typical streetscape which provides visual interest and variety in design/styles.

The overall design of the proposed residential units, additions to the existing cottages and Public House will be easily read as contemporary additions to the existing buildings and Village, however it is important that those elements reflect the site context and surrounding architectural forms. The existing cottages are to be retained and restored with some reconfirmation and refurbishment. The existing cottages are not included on the Record of Protected Structures, however as previously stated that although very simple in architectural style they reflect the very rural character of Rathcoole Village and therefore their retention and reuse are welcomed as part of the proposed development. Details have been provided in the Architectural and Urban Design report in relation to the existing cottages and the existing Public House. It is considered that further detail will be required with regard to a Method Statement and Schedule of works with regard to the

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

conservation repair works and upgrading to ensure the external appearance and retention of original materials are delivered.

There has been considerable pressure for residential development around the Village and the majority is back land development which can be viewed hovering above the existing building line of Main Street. Unfortunately, not all development has been sensitive to the site context and the character of the Village/Main Street. Without regard for the existing scale and massing in the Village core this can lead to a diminish in visual amenity, the overall historic character and architectural integrity of a Village can be impacted on negatively. It is therefore important that a balance between new build and the existing built environment is provided and an overall design that adds architectural quality and character to the existing Village is provided.

Recommendation

It is considered that the following Request for Further Information be sought in order to address the issues and concerns relating to visual impact and overall design of the proposed residential units within the Architectural Conservation Area;

- The southern block is linked to the existing cottages to create two L-shaped plan block arrangements around two inner squares which form an urban edge to the western open space and church. It is felt at this area that some separation distance is required to the rear of the corner single-storey cottage allowing a variation of heights and sufficient setback. It is considered that having the 3-storey block directly onto the rear of the corner cottage allows the block to be imposing and completely dominate the single-storey cottages.
- Differing heights and some separation to delineate the Main Street buildings from the rear block onto the Church site is required to minimise the visual impact. It is noted that the height of Block A is in line with the height of the existing church, however the block form of the proposed residential units is larger in mass and scale thereby creating more visual impact. The existing Church building although located setback off Main Street still provides architectural interest and character within the village setting.
- The new development at this location needs to provide a greater level of architectural interest and character. The proposed blocks need to achieve a backdrop of add architectural quality and interest to the rear of the existing single-storey cottages and existing public house.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

- It is considered that more consideration needs to be given to the materials and finishes in order to address the above. The height of the blocks needs to show different and varying levels and setback to reflect the different building heights, roof levels/types and architectural character and materials of the existing building stock along Main Street and the village core.
 - Block A should be re-designed to ensure the street frontage element is delivered along with achieved visual connection to Main Street at this location, therefore the design should provide variations in height, levels and roof profiles to reflect a typical streetscape which provides visual interest and variety in design/styles.
 - Block B requires re-design/revisions to once again provide an overall design that will provide architectural interest as a backdrop to Main Street. Some reduction in height and set back will support a varied design. The use of colour and perhaps different materials would also assist in providing architectural merit and quality defining the architectural quality required within the Village, as part of creating new design and architectural character within the Architectural Conservation Area.
- It is considered that a Method Statement and Schedule of Works should be provided detailing conservation repair and upgrading of the existing single-storey cottages to ensure the external appearance and retention of original materials are delivered.”

Planning Department's Conclusion

Given the comments of the ACO, it is considered appropriate that **additional information** is sought from the applicant regarding a revision of the height and design of blocks A and B, and the provision of a Conservation Method Statement and Schedule of Works.

Visual Impact

The Architectural Conservation Officer has noted the potentially imposing nature of the development on the streetscape in Rathcoole, and has sought various alterations to height, material treatment and setbacks, etc. This is appropriate.

In addition, it is noted that a number of third parties have commented on the potential for overlooking or overshadowing of neighbouring residential developments and the school site to the north-west.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

The applicant has provided a Sunlight and Daylight Assessment of the proposed development, which shows that there will be no material impact on adjoining sites from loss of aspect or overshadowing. This is acceptable.

The school has objected to the possibility over overlooking from Block B into the school site. Reviewing the permitted plans (SD21A/0231) and the proposed development, it would appear that there is the possibility of overlooking into the front area of the school, though not necessarily a playground. This can be avoided by reorienting the living rooms and balconies of Block B at the north-western corner to face west, rather than face north. The applicant can address this via **additional information**.

Building Height

As per the 2019 Building Height Guidelines, building height should be assessed with regard to context in which the development is located, with regard to strategic and local concerns. In this instance, the applicant's own sunlight and daylight analysis has shown that the 3-storey buildings can be accommodated without causing issues of overshadowing or loss of aspect.

The Architectural Conservation Officer has noted however the imposing nature of the development on the streetscape on Main Street. Noting that the area is on the record of monuments and places, and that the proposed development is in an Architectural Conservation Area and noting also the requirements of policy UC3 on village centres, it is considered appropriate that a softer transition in height is provided from the main street.

Design and Material Treatment

The Architectural Conservation Officer has sought alternative approaches to the design of the buildings. The applicant should provide a Building Lifecycle Report by way of **additional information**, to fulfil the following recommendations of section 6.13 of the Apartment Guidelines (2020):

“6.13: Accordingly, planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents.”

Mix of Uses

The applicant proposes to retain the public house and residential uses which currently address Main Street, and to extend and intensify residential use to the rear. Policy R7 of the County Development Plan supports the strengthening of retail, retail services and nice retailing in traditional villages. Ground floor units in Block A and the southwestern wing of Block B might be appropriate locations for small retail units to be included in the scheme.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Given the scale of the development, and that no uses are being lost from particularly the Main Street frontage, it is not considered necessary to impose a requirement for additional retail or retail services at this site. The mix of uses on the site is acceptable.

It is considered however that units 02 (Block A) and 07, 08, 09, 10 and 11 (Block B) should be delivered as convertible units, with a floor-to-ceiling height that would be potentially appropriate for small-scale retail, retail services or niche retail units, subject to later planning. The applicant can address this possibility by way of **additional information**.

Access, Transport and Parking

The Roads Department has recommended a request for additional information in order to obtain a Traffic and Transport Assessment and the provision of EV charging areas in the public house car park.

A number of observations have noted the levels of traffic in Rathcoole. Some have suggested that development be curtailed until the conclusion of a Traffic Study and implementation of appropriate actions following such a study. I have been advised by the Roads Department that while SDCC has sought such a study from the NTA, there is no immediate guarantee that such a study will be undertaken or when it will be undertaken. It is of paramount importance therefore that a TTA is undertaken to justify the development at this site. The TTA should include in its baseline assumptions the increase in traffic that will be caused by the permitted school (SD21A/0231). This should be addressed by **additional information**.

As mentioned above, it is noted that Rathcoole is not considered to be a priority area for new housing under the regional settlement strategy, owing to its poor transit links. The delivery of housing at this density and at this location should be dependent on the road network in the area having sufficient capacity for the development.

Additionally, a Stage 1 + 2 Road Safety Audit should be carried out with respect to the vehicular access to the site, by way of **additional information**.

The applicant should also be requested to provide changes to the layout to show the provision of electric charging for both the residential and the public house car parking, by way of **additional information**.

Details should also be provided regarding the amount and location of car parking for patrons of Muldowneys Pub.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Public Realm

The Public Realm Department has noted a lack of Landscape drawings provided with the application and a lack of SUDs proposals. They have sought 5 items of additional information relating to:

- Landscaping scheme and boundary treatment proposals
- Arboricultural impact assessment
- Visual Impact Assessment
- Green infrastructure
- SuDs

The applicant has provided arboricultural information and a Landscape and Visual Impact Assessment, which I am content are adequate to allow assessment of the application. In terms of a Landscape Plan and green infrastructure and SUDs proposals, the applicant should address these matters by way of **additional information**.

Water and Drainage

The Environmental Services Department has sought additional information in relation to: SUDs, the need for additional attenuation, and relocation of petrol interceptors to be upstream of attenuation infrastructure. This is noted and the proposed items for **additional information** are considered to be appropriate. It should be noted that a natural SUDs scheme on a site such as this should be capable of minimising if not removing the need for underground attenuation storage.

Irish Water has stated no objection, subject to standard conditions relating to a connection agreement.

Environmental Health

The HSE Environmental Health Officer has not provided a report at the time of writing. In the event of a grant of permission, the applicant should obtain the requirements of the EHO to development, given the juxtaposition of uses between public house and residential development.

Public Housing

The Housing Department has submitted a report. The preference of the council is to acquire units on site, and subject to a revised proposal being agreed with the applicant. The details should be agreed by **condition** in the event of a grant of permission.

Waste Management

The proposed development provides for refuse waste to be stored in the courtyard area, away from site accesses. The applicant should provide an **Operational Waste Management Plan** to show how waste will be stored and taken away during occupation, and if necessary, how refuse vehicles will access the waste. This should be undertaken by way of **additional information**.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Aviation Safety

The site is located Policy IE8, objective 3(c) of the County Development Plan states:

c). Protect runway 05 as a Code 3 **subsidiary** visual approach runway due to the land contours in the area and prevent objects from penetrating the relevant approach, transitional, inner horizontal and conical limitation surfaces for a visual approach runway in accordance with Section 3.13 of the Irish Aviation Authority 'Guidance Material on Aerodrome Annex 14 Surfaces' (2015). The extent of the lands under the runway approach surface whereby no development is allowed for runway 05 (Rathcoole end) is shown on the Development Plan maps (i.e., 1,100 metres) and the ICAO standards will not prejudice the development of zoned lands in Rathcoole.

The site is located in the 'critical safety zone', underneath the runway approach to runway 05. Section 7.8.1 of the County Development Plan identifies runway 05/23 as being a secondary runway. The site is **not** located in the inner approach zone, where development is not permissible. As per Policy IE8 objective 3(c), and the County Development Plan maps, "the ICAO standards will not prejudice the development of zoned lands in Rathcoole".

The applicant has not addressed the issue of aviation safety, either in terms of noise or building height. They should provide comment by way of **additional information**.

The Department of Defence has not provided a response to the application.

Taking in Charge

The applicant has not provided a Taking in Charge Plan and has not indicated those parts of the development to be retained in private ownership, or to be taken over by an Owner's Management Company or similar acceptable body. The applicant should address this by way of **additional information**.

Screening for Appropriate Assessment

Table 1: Description of the project and site characteristics

Planning File Reference	SD22A/0096
Brief description of the project	See description of development.
Brief description of site characteristics	See site description.
Application accompanied by a NIS Y/N	No. Accompanied by a Screening Report.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Table 2: Identification of European Sites which may be impacted by the project

European Site	List of Qualifying Interest/ Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Glenasmole Valley SAC	3 Qualifying Interests CO001209.pdf (npws.ie)	6.7	No links – see applicant's report.	No
Wicklow Mountains SAC	13 Qualifying Interests ConservationObjectives.rdl (npws.ie)	7.6	No links – see applicant's report.	No
Wicklow Mountains SPA	2 Qualifying Interests - Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] CO004040.pdf (npws.ie)	11.1	No links – see applicant's report.	No
Rye Water Valley / Carton SAC	<ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Vertigo angustior (Narrow- mouthed Whorl Snail) [1014] • Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] 	9.1	No links – see applicant's report.	No
Red Bog Kildare SAC	<ul style="list-style-type: none"> • Transition mires and quaking bogs [7140] 	10.3	No links – see applicant's report.	No
Poulaphouca Reservoir SPA	<ul style="list-style-type: none"> • Greylag Goose (Anser anser) [A043] • Lesser Black-backed Gull (Larus fuscus) [A183] 	11.2	No links – see applicant's report.	No
South Dublin Bay SAC	4 Qualifying Interests ConservationObjectives.rdl (npws.ie)	>15km	No – Connection is further than 15km.	No

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

South Dublin Bay and River Tolka Estuary SPA	14 Qualifying Interests Conservation Objectives.rdl (npws.ie)	>15km	No – Connection is further than 15km.	No
--	---	-------	---------------------------------------	----

Table 3: Assessment of Likely Significant Effects

Identify all potential direct and indirect impacts (alone or in combination) that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project:	
Likely Impacts	Possible Significance of Impacts (duration, magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	<p>As no source-pathway-receptor links were identified there is no potential for likely significant effects on any European site in view of their conservation objectives, as a result of the proposed development.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g., collision risks) • Potential for accidents or incidents 	<p>As no source-pathway-receptor links were identified there is no potential for likely significant effects on any European site in view of their conservation objectives, as a result of the proposed development.</p>
In-combination/Other	<p>As no source-pathway-receptor links were identified there is no potential for likely significant effects on any European site in view of their conservation objectives, as a result of the proposed development.</p>

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?
No

Table 4: Screening Determination Statement

Assessment of significance of effects:		
Describe how the proposed development (alone or in-combination) is/is <u>not likely</u> to have <u>significant</u> effects on European site(s) in view of its conservation objectives.		
Conclusion:		
	Indicate (X)	Recommendation
It is clear that there is no likelihood of significant effects on a European site	X	The proposal can be screened out. Appropriate assessment not required.
It is uncertain whether the proposal will have a significant effect on a European site		Request further information to complete screening Request NIS Refuse permission
Significant effects are likely		Request NIS Refuse permission
Completed by	CM	
Date	May 2022	

Screening for Environmental Impact Assessment

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

Conclusion

The proposed infill development presents a number of issues regarding visual impact, local character in an ACA, privacy/amenity, traffic and transport, noise and aviation safety. These issues would need to be comprehensively addressed prior to a final decision on the application.

The applicant is requested to note that the South Dublin County Development Plan 2022-2028 plan making process is reaching a conclusion in the coming months. The applicant is advised that the Planning Authority is required to assess planning application having regard to the active Development Plan at the time. The further information response should provide a report demonstrating that the revised proposal is fully in compliance with the adopted new Development Plan (if relevant).

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Recommendation

Request Further Information.

Further Information

Further Information was requested on 30/05/22

Further Information was received on 07/03/23

- Deemed significant, readvertisement was requested on 14/03/23

Significant Further Information was received on 21/03/23

Following a request from the applicant, the date for submitting the further information was extended to 8th March 2023.

Further Information Description of Development

As a result of the further information request, the applicant is seeking **permission** for the following:

- Demolition of some existing structures on site including storerooms, sheds, rear extensions to existing cottage and sheds associated with Muldowney's Pub
- Reconfiguration, renovation and extension of existing cottages to provide 2no. 2 bedroom units
- Reconfiguration and renovation of Muldowney's Pub and storage yard
- 1 no. three-storey apartment block (1,533 sq.m) to the rear of Muldowney's Pub comprising 21 units consisting of:
 - 10 no. 1 bedroom units
 - 4 no. 2 bedroom units
 - 7 no. 3 bedroom units
- Pedestrian access, car parking, open space areas, landscaping, ESB sub-station, bin and bicycle storage and all associated site works.

Consultations

Internal

SDCC Architectural Conservation Officer	No objection, conditions recommended
Water Services	No objection, conditions recommended
Roads	No objection, conditions recommended
Public Realm	No objection, conditions recommended

External

Irish Water	No objection, conditions recommended
Department of Defence	No response received.
HSE Environmental Health Officer	No response received.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Submissions/Observations

Closing date for submissions: 4 April 2023

4 no. further submissions/observations were received including:

- Revised proposal much-improved architectural design
- No area plan or master plan has been submitted demonstration interaction with Scoil Chronain School (SD21A/0231).
- No detail as to how development will interact with existing users of the narrow access road
- Development will reduce availability of parking
- Semi-rural location, view that apartment users will use bike and bus is unrealistic and will put pressure on the surrounding street network
- Issues with location of pub car parking and access to pub – foresee issues of antisocial behaviour, poor quality of life for ground floor residents and disputes over parking
- Traffic study focuses on justifying development and does not give overall view of traffic issues on Main Street
- Redesign of Muldowney's pub will increase noise issues raised by owners of adjacent bungalow to the east
- Housing remains a concern at this specific location – reference to location benefit take-off and landing paths of military aircraft.
- Upgrade of Tay Lane sewage pumping station is needed to cater for any additional demand – proposal premature
- Concerns regarding existing development at the pub site
- Impacts to privacy of neighbouring dwellings and overshadowing/overlooking
- Hygienic maintenance and upkeep of waste management

Assessment of Further Information

The Further Information requested was as follows:

1. *Traffic and Transport.*

The applicant is requested to submit a detailed Traffic and Transport Assessment (TTA) for the proposed development. The TTA should address

A. any traffic and parking issues in respect to school drop-off/collection and masses and funerals at the church. The TTA should assume the delivery of the permitted school (SD21A/0231).

B. the location and details of car parking for patrons of Muldowneys Pub (which should not be the same parking to be used for occupants or the proposed apartments)

2. *Residential Density.*

The applicant should consider and address how the provision of residential development at this density in the village of Rathcoole accords with the regional and local settlement strategy, with special reference to the results of the Transport and Traffic Assessment.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

3. *Architectural Character.*

The applicant is invited to respond to the following items identified and set out by the SDCC Architectural Conservation Officer:

- A. (i) *The southern block (Block A) is linked to the existing cottages to create two L-shaped plan block arrangements around two inner squares which form an urban edge to the western open space and church. It is felt at this area that some separation distance is required to the rear of the corner single-storey cottage allowing a variation of heights and sufficient setback. It is considered that having the 3-storey block directly onto the rear of the corner cottage allows the block to be imposing and completely dominate the single-storey cottages.*
- (ii) *Differing heights and some separation to delineate the Main Street buildings from the rear block onto the Church site is required to minimise the visual impact. It is noted that the height of Block A is in line with the height of the existing church, however the block form of the proposed residential units is larger in mass and scale thereby creating more visual impact. The existing Church building although located setback off Main Street still provides architectural interest and character within the village setting.*
- (iii) *The new development at this location needs to provide a greater level of architectural interest and character. The proposed blocks need to achieve a backdrop of add architectural quality and interest to the rear of the existing single-storey cottages and existing public house.*
- B. (i) *It is considered that more consideration needs to be given to the materials and finishes in order to address the above. The height of the blocks needs to show different and varying levels and setback to reflect the different building heights, roof levels/types and architectural character and materials of the existing building stock along Main Street and the village core.*
- (ii) *Block A should be re-designed to ensure the street frontage element is delivered along with achieved visual connection to Main Street at this location, therefore the design should provide variations in height, levels and roof profiles to reflect a typical streetscape which provides visual interest and variety in design/styles.*
- (iii) *Block B requires re-design/revisions to once again provide an overall design that will provide architectural interest as a backdrop to Main Street. Some reduction in height and set back will support a varied design. The use of colour and perhaps different materials would also assist in providing architectural merit and quality defining the architectural quality required within the Village, as part of creating new design and architectural character within the Architectural Conservation Area.*
- C. *A Method Statement and Schedule of Works should be provided detailing conservation repair and upgrading of the existing single-storey cottages to ensure the external appearance and retention of original materials are delivered.*

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

4. *Courtyard.*

A. *In terms of amenity and privacy, there are a few issues with the courtyard space.*

(i) *As it is located adjacent to a public house, the open access to the courtyard from Main Street is problematic and may present a challenge to the residential amenity and enjoyment of the semi-private space for residents.*

(ii) *The provision of open accesses to the south and west also potentially provides a through-route for people walking to and from church or school. This also may compromise the ability of residents to enjoy the space.*

(iii) *The emergency access from the public house is a major risk, as the enjoyment of the space is dependent on the management of the pub adhering strictly to the conditions of any planning permission. Furthermore, the doorway would likely need to become a party boundary between the public house and the lands owned by an Owner's Management Company set up under the Multi-Unit Developments Act 2011. It is not clear that this would be a secure boundary and this may raise issues with obtaining insurance.*

(iv) *Pub toilet windows fronting onto the courtyard space, allowing for noise and odours to filter into the courtyard, and additionally to detract from the sense of privacy or enclosure offered by the courtyard.*

It is noted that, at present, the minimum private open space is provided for each apartment unit (excluding cottages) as per the Apartment Guidelines. It should be possible to compensate for lack of quality communal space by providing the required communal space within private balconies and terraces (i.e., doubling them in size).

The applicant is therefore asked to reconsider these aspects of the development layout, to clarify the purpose of the courtyard and to illustrate either that it is a communal amenity space with adequate privacy and amenity value, or otherwise that the lack of such dedicated community space can be made up for with more generous provision of private balconies and terraces, or alternative communal open space provision. This should be dealt with by additional information.

B. *The Acoustic Design Report notes that balconies on the top floor of the east façade of Block A, and on the southeast façade of Block B, will exceed desirable noise levels, but that this is offset by the desirable noise levels in the communal open space. The applicant should address therefore the noise levels on these balconies if measures to further secure privacy in the communal open space are not proposed to be implemented (as per above comments on layout).*

5. *Residential Floor Area Standards.*

As per sections 3.8 – 3.15 of the 2020 Apartment Guidelines, a 10% uplift on the minimum standards should be provided for either in a majority of units or spread out more evenly over a larger number of units. The applicant has not complied with sections 3.8 – 3.15 and should show compliance with this part of the 2020 guidelines by way of additional information.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

6. Village Centre

- a) *The proposed development features ground floor units fronting onto streets in Block B which are not provided with own-door access. It is considered appropriate given the village centre setting, that the units fronting onto the internal access street or the internal courtyard are provided with own-door access, and the circulation areas at ground floor can consequently be reduced. The applicant is invited to consider and respond to this.*
- b) *It may be appropriate that units 02 (Block A) and 07, 08, 09, 10 and 11 (Block B) should be delivered as convertible units, with a floor-to-ceiling height that would be potentially appropriate for small-scale retail, retail services or niche retail units, subject to later planning. The applicant is invited to consider and respond to this.*

7. Aviation Safety.

- A. *The site is located in the 'critical safety zone', underneath the runway approach to runway 05. Section 7.8.1 of the County Development Plan identifies runway 05/23 as being a secondary runway. The site is not located in the inner approach zone, where development is not permissible. As per Policy IE8 objective 3(c), and the County Development Plan maps, "the ICAO standards will not prejudice the development of zoned lands in Rathcoole".*

The applicant has not addressed the issue of aviation safety, either in terms of noise or building height/ obstacle limitations. They should provide comment by way of additional information.

As per Section 11.6.6 of the Development Plan, the Planning Authority request the applicant to submit a longitudinal section through the relevant Approach Surface funnel. The section drawing shall include the following:

- *The Ordnance Datum (OD) of the relevant runway,*
 - *The approach surface slope for the relevant runway in accordance with Table 3 & 4 of the IAA Guidance Material on Aerodrome Annex 14 Surfaces (2015) The OD of the highest point and OD of the predominant height of the proposed development,*
 - *A range of OD reference points for the existing ground levels on the subject site,*
 - *The horizontal distance of the subject site from the Aerodrome, and*
 - *Heights of existing permanent obstacles in the vicinity of the site if applying the principle of shielding (see Section 3.23 of the Irish Aviation Authority Guidance Material on Aerodrome Annex14 Surfaces, 2015).*
 - *The distance from threshold shall be taken into account in the section drawing.*
- B. *The Acoustic Design Statement has not taken into account aircraft noise. The applicant's acoustic design consultant should make a comment on this matter and submit a revised assessment report, if necessary, by way of additional information.*

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

8. *Overlooking.*

The school has objected to the possibility over overlooking from Block B into the school site. Reviewing the permitted plans (SD21A/0231) and the proposed development, it would appear that there is the possibility of overlooking into the front area of the school, though not necessarily a playground. This can be avoided by reorienting the living rooms and balconies of Block B at the northwestern corner to face west, rather than face north. The applicant can address this via additional information.

9. *Building Lifecycle Report.*

The applicant should provide a Building Lifecycle Report by way of additional information, to fulfil the following recommendation of section 6.13 of the Apartment Guidelines (2020):

'6.13: Accordingly, planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents.'

10. *Road Safety Audit.*

The applicant is invited to provide a Stage 1 & 2 Road Safety Audit which should focus on the junction being created at the vehicular entrance to the site.

11. *Electric Charging of Vehicles.*

The applicant is invited to revise their Site Layout Plan to show the provision of 10% of spaces with facilities for charging electric vehicles, both in the residential and pub car park areas.

12. *Public Realm.*

There are concerns with the lack of information submitted in terms of a landscaping scheme and boundary treatment for the proposed development. The applicant is requested to provide a landscape design including details of boundary treatment for the proposed development. The applicant is requested to provide a detailed landscape plan with full works specification, that accords with the specifications and requirements of the Public Realm Section. The landscape Plan should include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including integrated/bio retention tree pits. In addition, the applicant is requested to submit a landscape rationale. The landscape proposals should be prepared by a suitably qualified landscape architect.

13. *Green Infrastructure.*

The applicant is requested to submit green infrastructure proposals to help mitigate and compensate for the impact of the proposed development on this green field site and the removal of a hedgerow. These proposals should include additional landscape details, SUDs measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population. The response should include drawings.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

14. Sustainable Drainage Systems.

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is requested to submit a drawing in plan and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

- a) The applicant is requested to show natural SUDS features for the development such as Green roofs, swales, tree pits, permeable paving, and other such SuDS and show what attenuation capacity is provided by such SuDS.*
- b) The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.*
- c) SDCC Water Services estimate that the attenuation of 411m³ proposed is undersized by 15%. The applicant should explore the possibility of installing SuDS devices such as grasscrete, and permeable paving in footpaths and road areas and this may reduce or eliminate the need to extend or use attenuation tanks as proposed.*
- d) The applicant is requested to submit a revised drawing showing a petrol interceptor upstream of attenuation system close to entry point of same.*

The greater Dublin regional code of practice for drainage works states that petrol interceptors should be installed upstream of any attenuation systems. The drawing submitted by applicant shows the petrol interceptor installed downstream of the attenuation system and this should be corrected.

Note: SUDs features include but are not limited to the following:

- Permeable Paving*
- Grasscrete*
- Rain Gardens*
- Planter boxes with overflow connection to the public surface water sewer.*
- Swales*
- Channel Rills*

15. Attenuation.

SDCC Water Services estimate that the attenuation of 411m³ proposed is undersized by 15%. The applicant should explore the possibility of installing SuDS devices such as green roofs, grasscrete, and permeable paving in footpaths and road areas and this may reduce or eliminate the need to extend proposed attenuation tanks.

16. Operational Waste Management.

The proposed development provides for refuse waste to be stored in the courtyard area, away from site accesses. The applicant should provide an Operational Waste Management Plan to show how waste will be stored and taken away during occupation, and if necessary, how refuse vehicles will access the waste. This should be undertaken by way of additional information.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

17. Taking in Charge / Management Company.

The applicant has not provided a Taking in Charge Plan and has not indicated those parts of the development to be retained in private ownership, or to be taken over by an Owner's Management Company or similar acceptable body. The applicant should address this by way of additional information.

18. The applicant is requested to note that the South Dublin County Development Plan 2022-2028 plan making process is reaching a conclusion in the coming months. The applicant is advised that the Planning Authority is required to assess planning application having regard to the active Development Plan at the time. The further information response should provide a report demonstrating that the revised proposal is fully in compliance with the adopted new Development Plan (if relevant).

Assessment

Item 1 – Traffic and Transport

The Roads Department have reviewed the response to Item 1. In relation to 1(a), they have stated they are satisfied that the TTA shows low levels of traffic will be generated by the development and that the Main Street T-Junction will have more than sufficient capacity to accommodate the worst-case traffic associated with the proposed development and committed school. In relation to Item 1(a), the Roads Department have stated they are satisfied with the assessment.

In relation to Item 1(b), the Roads Department have stated they are satisfied with the parking allocation for both uses at the site however, 5% of car parking spaces should be allocated to mobility impaired drivers in both parking areas. A **condition** should be attached requiring 1 no. mobility parking space is provided within the pub parking area.

Item 2 – Residential Density

The applicant has stated that, excluding the areas of the site associated with the pub, net residential development would be 47 units per hectare, based on a site area of 0.49ha. This includes the eastern part of the site previously excluded in the calculation of the site density. The inclusion of this area is considered acceptable as it would be reasonable to expect residents of the apartments to utilise this space. Landscaping of this eastern area is not currently considered in the applicant's documentation but could be required by **condition** to maximise the functionality of this incidental space as it is relied on to assist in the applicant's density justification.

The applicant has stated the density is appropriate based on the designation of Rathcoole as a 'Self-Sustaining Growth Town', under the 2022 Development Plan, and the Building Height and Density Guide contained at Appendix 10 of the Plan which states mid-to-high density and higher densities up to 50 units per hectare would be expected in village centre locations. On this basis, the density proposed is considered appropriate for the site and the applicant has provided a sufficient response to Item 2.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Item 3 – Architectural Character

The Architectural Conservation Officer (ACO) has reviewed the additional information received and has provided the following response:

In response to the AI Request Item 3 an architectural impact assessment report and design statement has been submitted along with architectural drawings. The proposal has been revised to take account of the RFI in addressing the design concerns under Item 3. The revised proposal replaces the previously 2 block with 1 block. The height remains 3-story, but the block has been set back from the cottages and Main Street as a result of the redesign.

The revisions allow for a more sensitive design and sympathetic approach within the Architectural Conservation Area. It is stated in the response that the design of the proposed scheme has been the subject of a full analysis/feasibility study of the site and due consideration has been given to the surrounding existing structures within the immediate environs of the site and particularly in regard to the material choices that are present within Rathcoole Village/ACA. The form, materials and finishes now better reflects the established character of the area and allows for a more compatible development at this location.

As previously requested in the RFI the new development at this location needs to provide a greater level of architectural interest and character. The new proposed block needs to achieve a backdrop to add architectural quality and interest to the rear of the existing single-storey cottages and existing public house. It is considered that although the design has improved with the reduction of the development to one block with setback, variation is required which can be either delivered by providing variations in height, levels and roof profiles to reflect a typical streetscape which provides visual interest and variety in design/styles. Or the use of colour with varying palettes of materials would also assist in providing architectural merit and quality defining the architectural quality required within the Village, as part of creating new design and architectural character within the Architectural Conservation Area.

A method statement and schedule of works has now been provided which provides details on the proposed works for the cottages and how original materials will be recycled in the case of demolition for the construction phase.

Conclusion

Given the revised design which now provides a single block design and set back, it is considered that the amendments to the design submitted by way of additional information is more appropriate for the surrounding context of the subject site. The overall visual impact has been reduced and the proposed block sits more sensitively behind the existing cottages along Main Street and the adjacent Church site. It is considered that more can

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

be done to provide a high-quality design which provides architectural interest and variation to the Architectural Conservation Area as part of the final design revisions and materials.

Based on the above assessment of the additional information submitted and the revised design, it is considered that the proposed development is acceptable with conditions attached.

The ACO has recommended the following **conditions** in the event of a grant:

- *As previously requested in the RFI the new development at this location needs to provide a greater level of architectural interest and character. The new proposed block needs to achieve a backdrop to add architectural quality and interest to the rear of the existing single-storey cottages and existing public house. It is considered that although the design has improved with the reduction of the development to one block and with setback, variation is required which can be either delivered by providing variations in height, levels and roof profiles to reflect a typical streetscape which provides visual interest and variety in design/styles. Or the use of colour with varying palettes of materials would also assist in providing architectural merit and defining the architectural quality required within the Village, as part of creating new design and architectural character within the Architectural Conservation Area.*

A Schedule of materials and finishes should be submitted for agreement and approval for the proposed development. Samples and images of the final palette of materials and finishes should be provided. This should be submitted prior to commencing development by way of confirming final material finishes and colours and should address the above item.

This should include full details on materials and finishes for all elements of the proposed development. It is considered that given the sites location within an Architectural Conservation Area it is extremely important that the overall materials and finishes should reflect this in providing a more sensitive development with minimal visual impact.

Reason: To ensure the proposed development is of high quality and reflects the overall design ethos detailed in the Design Rational (Additional Information submission) and to ensure high quality design and finish for new build within an ACA.

- *The proposed works to the cottages should be carried out in accordance with the Method Statement and Schedule of Works submitted as part of the Additional Information request. Works shall adhere to best conservation practice and in accordance with policies in SDCC CDP 2022-2028 for sustainable development and climate change with regard to reducing waste and in accordance with the Life Cycle Report.*

Reason: To ensure all works to the existing cottages adhere to best practice and to ensure the development is carried out in accordance with CDP policies for sustainable development and whole Life Cycle requirements.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

These **conditions** are considered appropriate to ensure that the scheme sets a desirable precedent for similar infill works that might come forward within the current Development Plan period. It is important to ensure that development within the Rathcoole Village Architectural Conservation Area (ACA) does not negatively impact the setting of this sensitive area.

Item 4 – Courtyard

The applicant has revised the layout and boundary treatment for the communal courtyard area, providing fob access gates that will exclude non-residents from this area. Due to improvements to the secure access of the communal open space, additional balcony provision has not been provided. In addition, windows and accesses from the pub into/overlooking the communal space have been removed. Rooflights will be located on the eastern roof slope, and this is considered acceptable. Alternative emergency accesses have been located on the western side of the building.

Submissions have been received raising concerns about additional access points on the western side of the building and the size of outside terraced areas. It is noted that the proposal will actually reduce the number of outside areas provided specifically for the pub. Two additional emergency exit doors will be located at this side of the building but given the nature of their use, it is not considered that these will create additional nuisance. Access and utility of these doors is minimised and would not provide benefit to patrons; therefore, their inappropriate use is not considered to be a significant concern. Concerns regarding noise from outside areas can be addressed by **condition** limiting the time of access for these spaces.

In relation to Item 4A, it is considered that the applicant has adequately addressed the concerns with the revised submission.

In relation to Item 4B, the applicant has provided an updated Acoustic Design Statement, based on the revised layout and comments of the Planner's Report. This report confirms that the communal open space provides a good level of relatively quiet amenity space, providing mitigation for some apartments which have private amenity space which exceeds recommended noise levels. Winter gardens have been provided on the northern elevation to enhance the amenity value of balconies serving units with this aspect. It is considered that alternative layouts could have removed the provision of private amenity space on this elevation however, the provision of winter balconies provides some level of increased amenity value for these units. It is considered that the applicant has adequately addressed the requirements of Item 4b.

Item 5 – Residential Floor Area Standards

Within the redesigned scheme, 11 no. units exceed the specified requirements of the Design Standards for New Apartments. This equates to over 50% of units exceeding the minimum requirements and this is considered acceptable. While not all units exceed the requirements by 10%, all units do exceed the minimum space standards. In this regard, it is considered that the applicant has adequately addressed Item 5.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

It is noted that, in revising the layouts of the apartments, the applicant is proposing some areas of private open space are accessed directly, and only, from bedrooms. This is not considered acceptable. Section 12.6.7 'Residential Standards' of the Development Plan states that '*Balconies should adjoin and have a functional relationship with the main living areas of the apartment.*' Private open space must provide functional amenity for residents. It is not considered that incidental balcony spaces off bedrooms meets this requirement. It is considered that this can be addressed by **condition**.

Item 6 – Village Centre

The applicant has failed to understand the spirit of the request to provide own door access to ground floor units from the internal access street. While it is noted the own door access is provided to 2 no. units from the internal courtyard area, this does not create activation at street level outside of the private complex. Own door access for these units should be provided on the western elevation. It is considered that this can be achieved by **condition** and would result in minor alterations to the internal layouts. At ground floor, layout alterations would also address concerns regarding access to private amenity space from bedrooms.

The Planning Authority does not agree that the conversion of ground floor units would be inappropriate. The inappropriateness of such interventions comes from the current access arrangements of Units 1 and 2, which have been detailed above. It is considered that providing own door access on the western elevation to these units would avoid any conflict and units would then not have direct access to the communal courtyard. The floor to ceiling height of ground floor units is noted as being acceptable for potential future conversion.

It is considered that **conditions** will ensure the requirements of Item 6 are adequately addressed.

Item 7 – Aviation Safety

The applicant's response notes recent revisions to SDCC policy in relation to aviation, also referencing the land use zoning maps which provide greater detail in relation to aviation requirements of sites. On the basis of the changed policy requirements, the applicant has stated the opinion that a detailed response to all requirements of Item 7A is not warranted. This determination is accepted. To ensure aviation safety, a **condition** should be included that consultation must occur with the department of defence in advance of any cranes being brought to site.

The applicant has provided a revised Acoustic Design Statement which provided reference to aviation noise. It was noted from monitoring on site that aviation noise was not a significant concern, and that road noise would provide more of a potential disturbance. This is an acceptable response.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Item 8 – Overlooking

It is not considered that the design alterations made to the proposed apartment building have fully addressed the concerns raised in Item 8 of the request. In particular, Units 1.4 and 2.4 have winter gardens that face north, overlooking the SNU secure play area to the front of the permitted school building. The request was clear in revising the design of these units to locate balconies away from the north elevation. It is considered that these units could benefit from additional layout alterations and amenity enhancements if the private amenity space serving them was located on the western elevation. This could alleviate the requirement for winter gardens as additional screening from road noise would be provided, and overlooking of the school would be reduced. It is considered that this can be achieved by **condition**.

Item 9 – Building Lifecycle Report

The applicant has provided a Building Lifecycle Report which meets the requirements of Section 6.13 of the Apartment Guidelines (2020). This is acceptable.

Item 10 – Road Safety Audit

The Roads Department have reviewed the submitted Road Safety Audit. The Roads Department have stated they are satisfied that the applicant has addressed the issues raised in the Road Safety Audit. This is acceptable.

The Road Safety Audit raised 2 no. concerns:

- Vegetation obscuring sightlines
- No footpath along 'Old' Main Street

Landscaping at the site entrance appears to consider the recommendations of the Road Safety Audit (RSA). This is acceptable. The RSA also recommends that the footpath is extended from the site to Main Street, along 'Old' Main Street, including lands outside the applicants red line boundary. These works cannot be achieved under the current scheme and without additional land owner consent. The applicant has therefore not addressed this concern. A **condition** should be included that the applicant actively seeks to implement all of the recommendations of the RSA.

Item 11 – Electric Charging of Vehicles

The applicant has revised the site layout and car parking allocation. Of 32 no. car parking spaces, 9 no. electric vehicle charging points are proposed, equating to 28%. The Roads Department have reviewed this response and have stated they are satisfied with the applicants proposed provision of EV charging points. This is acceptable.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Item 12 – Public Realm

The applicant has not stated that they are providing any public open space. The Development Plan requires 10% of a sites area to be provided as public open space, per Table 8.2. The applicant has therefore not met this requirement. In certain circumstances, the Planning Authority has discretion to accept a contribution in lieu of public open space. As a contribution scheme is not yet finalised, conditions in this regard cannot be applied. It is considered that a contribution in lieu would be the most appropriate way to address the deficiency in public open space provided however, as no mechanism is yet in place, it is considered necessary to look at how public open space could be delivered on site.

At the northern point of the site there is an area of land with no formal landscape proposals. A **condition** should be included requiring the applicant to adequately landscape the northern area of open space to provide a space of amenity value and improved biodiversity. In developing a landscape plan for this area, the applicant should retain any existing green infrastructure assets, such as hedges or trees, that are of suitable quality and provide amenity value. Additional forest planting along the northern boundary would assist in providing noise screening from the road to the north, and would improve the biodiversity of the site, as well as providing additional nesting or foraging potential for birds and bats. The Public Realm Section have reviewed the application and have stated the applicant should *'provide greater detail about proposals to mitigate the absence of public open space provision on site. In this regard the applicant is requested to liaise with the Public Realm Department and agree suitable proposals within the northern portion of the subject site.'* This should form part of the wording of a **condition**.

The site layout has been amended, including the relocation of an internal footpath within the scheme from directly adjoining the building, to the western side of the site. It is not considered that this footpath adequately considers desire lines and likely movements of residents and visitors through the site. A **condition** should be included requiring the footpath to be relocated to the building side of the internal access road. Car parking spaces should not have a footpath behind parking spaces as there can often be conflicts of cars overhanging the footpath, impacting its use. In amending the footpath within the site, the footpath should also extend up to the open space area to the north of the site, providing improved access to this part of the site.

The Public Realm Section, on reviewing the additional information, have stated that plans for play equipment should be submitted as a **condition** of any permission. This is considered appropriate to ensure adequate provision has been made for play within the scheme, in particular the communal amenity area.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Item 13 – Green Infrastructure

The 2022 – 2028 Development Plan places greater emphasis on the inclusion and protection of green infrastructure assets on site. The applicant has not adequately engaged with the updated requirements of the Development Plan in the additional information submission.

The Public Realm Section have recommended the following **condition** is included in the event of a grant:

Green Infrastructure & Green Space Factor

The applicant shall submit the following information relation to Green Infrastructure in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

- a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.*
- b) To demonstrate how the appropriate Green Space Factor (GSF) will be achieved for the relevant land use zoning objective.*

REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

This **condition** is considered necessary to ensure compliance with the requirements of the 2022 Development Plan and to compensate for the deficiency in public open space provided.

Item 14 – Sustainable Drainage Systems

The Public Realm Section are not satisfied with the provision of underground attenuation and have recommended the inclusion of **conditions** requiring further consideration of SuDS on site and a management plan for their ongoing maintenance. In addition, they recommend the applicant is requested to complete the below table to justify the SuDS proposals.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Table 14.1 SuDS Rationale and Justification

SuDS Measures	Measures to be used on this site	Rationale for selecting/not selecting measure	Area of Feature (m2)	Attenuation volume of feature (m3)
Swales				
Integrated constructed Tree Pits				
Green/Blue Roofs (Intensive and Extensive Green Roofs)				
Filter Drain				
Permeable pavement (Grasscrete, Block paving, Porous Asphalt etc.)				
Green wall				
Filter strips				
Bio-retention systems/Raingardens				
Blue Roofs				
Detention Basins				
Retentions basins				
Ponds				
Wetlands				

It is considered appropriate to include the recommended **conditions** to ensure adequate consideration of surface water drainage and SuDS.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Item 15 – Attenuation

Water Services have reviewed the additional information and have stated no objection, recommending the following conditions are included in the event of a grant:

- 1.1 Include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:
 - Rain Gardens
 - Planter boxes with overflow connection to the public surface water sewer.
 - Other such SuDS
- 1.2 Prior to commencement of development submit a revised drawing showing a petrol interceptor upstream of attenuation system close to entry point of same.

The applicant is proposing significant underground attenuation systems underneath the car parking areas. This is contrary to the Development Plan, Section 12.11.1 'Water Management'. It is considered that a **condition** should be included requiring the applicant to submit revised proposals excluding or minimising underground attenuation. Where underground attenuation cannot be fully omitted through the provision of additional SuDS, a strong justification will be required.

Item 16 – Operational Waste Management

The Roads Department have reviewed the additional information and have stated they are satisfied with the swept path analysis provided, demonstrating how refuse vehicles can safely access the bin storage. The applicant has not provided an Operational Waste Management Plan, stating they would comply with a **condition** included in the event of a grant. The Roads Department recommends such a **condition** is included. This is acceptable.

Item 17 – Taking in Charge / Management Company

The applicant has stated they will provide details of the proposed management company that will be in charge of the residential scheme prior to the commencement of development. The Roads Department agree that a **condition** should be included to this effect in the event of a grant of permission.

Item 18 – South Dublin County Development Plan 2022 - 2028

The applicant has stated that they have undertaken an assessment of the proposed development against the 2022 – 2028 Development Plan, submitting that the revised design has had cognisance of this plan. As noted in the assessment of other response items, the applicant has not complied with all the policies and objectives of the Development Plan, in particular with regard to public open space, green infrastructure and the Green Space Factor (GSF). It is considered that these shortcomings have been addressed under the relevant additional information items and can be mitigated by **condition**.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Conclusion

The development subject to **conditions**, is considered to be consistent with the 'VC' and 'RES' zoning objectives for the site, and the relevant provisions in the County Development Plan 2022-2028 and is considered acceptable.

Other Considerations

Development Contributions

No change of use is proposed in relation to the public house use and therefore commercial contributions have not been applied in this instance.

Residential Contribution

Are any exemptions applicable?	No
Is development commercial or residential?	Residential
Standard rate applicable to development:	119.10
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€119.10
Area of Development (m2)	1,595*
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	1595
Total development contribution due €119.10x1,595=	€189,964.50

* 1,533 sq.m apartment units + 62 sq.m residential extension to cottages

Security – Cash and Bond

Apartments	Number of Units	CASH	BOND
1-20	20	€4,969	€5,715
21-50	1	€3,478	€4,000
51+	0	€1,988	€2,286
TOTAL Units	21	€102,858.00	€118,300.00
		(20 x 4,969) + (1 x 3,478)	(20 x 5,715) + (1 x 4,000)
Total Security Calculation		€102,858.00	€118,300.00

SEA Monitoring Information

Building Use Type Proposed:

Mixed Use

Floor Area:

1,533 sq.m

Land Type:

Infill / Redevelopment

Site Area:

0.57 Hectares.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

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

FIRST SCHEDULE

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

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 07/03/2023 and 21/03/2023, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Apartment Amendments
Prior to the commencement of development the applicant shall make the following amendments to the scheme and submit revised plans, elevations and other relevant drawings as necessary for the written agreement of the Planning Authority:
 - A. Own Door Access
Own door access is required to create street level activation and improve a sense of security. Access from a private internal courtyard does not achieve these aims. Units 0.1 and 0.2 shall be amended to provide own door access directly from the internal access street. The relocation of the footpath to the building side of the internal access road will facilitate ease of access for these units.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

In revising the layouts of these units, the applicant should note that private amenity space must not be accessed from bedrooms and sufficient privacy buffers should be provided around all sides of private amenity space.

B. Balcony / Terrace Access from Bedrooms

Private open space accessible exclusively from bedrooms is not acceptable. The applicant shall revise the layouts of units 0.1, 0.2, 1.1, 1.2, 2.1 and 2.2 to ensure that private balconies and terraces are primarily accessed from living areas. Access from bedrooms will only be acceptable if this is a secondary access.

C. Winter Gardens

The winter gardens serving Units 1.4 and 2.4 shall be relocated to the western elevation. This will reduce overlooking of the outside play area serving the school and could assist in providing improved sound screening for these areas of open space. In amending the location of these winter gardens, regard should be had to the requirements of the Architectural Conservation Officer (ACO) to improve the articulation of the building through varying heights, levels and roof profiles.

REASON: In the interest of residential amenity and the proper planning and sustainable development of the area.

3. Architectural Conservation – Schedule of Materials

Prior to the commencement of development, the applicant shall submit schedules and drawings as required, for the written agreement of the Planning Authority, addressing the following:

A. New development at this location needs to provide a greater level of architectural interest and character. The proposed block needs to achieve a backdrop to add architectural quality and interest to the rear of the existing single-storey cottages and existing public house. It is considered that although the design has improved with the reduction of the development to one block and with setback, variation is required which can be either delivered by providing non-material/minor variations in height, levels and roof profiles to reflect a typical streetscape which provides visual interest and variety in design/styles. Alternatively, the use of colour with varying palettes of materials would also assist in providing architectural merit and defining the architectural quality required within the Village, as part of creating new design and architectural character within the Architectural Conservation Area.

B. A Schedule of materials and finishes shall be submitted, including samples and images of the final palette of materials and finishes, by way of confirming final material finishes and colours and should address the above item. This Schedule shall include full details on materials and finishes for all elements of the proposed development. Given the sites location within an Architectural Conservation Area it is extremely important that the overall materials and finishes should reflect this in providing a more sensitive development with minimal visual impact.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

REASON: To ensure the proposed development is of high quality and reflects the overall design ethos detailed in the Design Rational (Additional Information submission) and to ensure high quality design and finish for new build within an ACA.

4. Method Statement and Schedule of Works

The proposed works to the cottages shall be carried out in accordance with the Method Statement and Schedule of Works submitted as part of the Additional Information request. Works shall adhere to best conservation practice and in accordance with policies in SDCC CDP 2022-2028 for sustainable development and climate change with regard to reducing waste and in accordance with the Life Cycle Report.

REASON: To ensure all works to the existing cottages adhere to best practice and to ensure the development is carried out in accordance with CDP policies for sustainable development and whole Life Cycle requirements.

5. Car and Bicycle Parking

A. The applicant shall allocate one mobility impaired parking space within the pub parking area.

B. The proposed development shall make provision for the charging of electric vehicles. 100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 10% of surface car parking spaces must be provided with electric vehicle charging points initially. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.

C. All external bicycle parking spaces shall be covered and designed in line with National Cycle Manual standards.

REASON: In the interest of sustainable and accessible transport.

6. Open Space Provision

Insufficient information has been submitted in relation to proposed open space provision with the Development. Under section 8.7.3 of the 2022-2028 CDP the overall standard for public open space is 2.4 hectares per 1, 000 population. This will be applied to all developments with a residential element, such as the subject proposal. Within that standard, there are specified percentages as set out in Table 8.2 which must, as a minimum, be provided on site.

Public open space shall be provided at the rates specified in Table 8.2 above. Under Table 8.2 the specified percentage of open space for the proposed development is a minimum of 10% of the site area. The applicant is therefore requested to provide in tabular form a clear breakdown of the open space provision within the proposed development. From the documentation submitted it appears that the applicant is only providing communal open space.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

It is considered that, based on the very specific circumstances of the subject site, allowance can be made to better utilise the area of open space to the north and consider this as the public open space provision, in accordance with the requirements of Table 8.2 of the Development Plan. Prior to the commencement of development, the applicant shall provide greater detail about proposals to mitigate the absence of public open space provision on site. In this regard the applicant shall liaise with the Public Realm Section and agree suitable proposals within the northern portion of the subject site. Landscape proposals for this area could include the provision of forestry planting along the northern site boundary. Consideration of this area at a later date for use other than open space will not be considered acceptable.

REASON: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to meet the relevant requirement in terms of open space provision and relevant policies within the CDP 2022-2028.

7. Internal Footpath

The layout shall be amended to remove footpaths to the rear of all car parking spaces. The footpath shall be provided along the building side of the internal access road, to maximise accessibility and provide safer access to the building and open space areas, utilising likely desire lines of residents and visitors. Within the site, adequate provision must be made for safe crossing for pedestrians where the footpath is separated by the internal access street. Such measures could include dropped kerbs or, preferably, raised tables to provide level grade crossings.

REASON: In the interests of the proper planning and sustainable development of the area.

8. Play Area

Prior to the commencement of Development, A detailed play strategy using Nature-based Solutions for the subject site shall be submitted and agreed with the Planning Authority in consultation with the Public Realm Section. Such details shall comprise:

- i. A specification of all play equipment to be installed including provision for children with disabilities and special sensory needs;
- ii. A specification of the surface treatment within the play areas; and arrangements for ensuring the safety and security of children using the play areas.

All play equipment and ancillaries shall conform to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing, and to BS/EN standards 2017/18 for Playground Installations for HIC (Head Injury Criterion) and CFH (Critical Fall Height).

REASON: To ensure that the development makes appropriate provision for play and informal recreation in accordance with relevant policies in the CPD 2022 – 2028

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

9. Landscape Strategy and Landscape Masterplan

Prior to the commencement of Development, the following shall be submitted to the Planning Authority for written agreement:

a) a revised landscaping strategy including a revised landscape masterplan, which meets the requirement of the Planning Authority in terms of meaningful public open space provision as required under the CDP 2022-2028 and effectively contributes to the amenity, GI and biodiversity. The revised landscape strategy shall include a revised landscaping layout, details of planting, hard surfacing materials, site levels, external lighting, public seating and details of all gradients, ramps and steps within publicly accessible areas of the development. Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme.

In addition, the applicant shall agree with the Public Realm Section enhancement measures/improved landscape proposals for the northern portion of the site in lieu of the lack of open space within the overall subject site. These proposals shall include open space enhancements in terms of improved ecology, biodiversity and green infrastructure measures. Proposals can include Miyawaki/mini woodland style planting. Location and planting method to be agreed with Public Realm. See below relevant Objective with the CDP: GI1 Objective 7: To develop linked corridors of small urban 'Miyawaki' native mini-woodlands, a minimum of 100 sq m in size, to capture carbon and encourage biodiversity in suitable existing built-up areas, in low grade parkland, and other areas of zoned lands where deemed suitable and appropriate.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the CPD 2022-2028.

10. Planting Plan

Prior to the commencement of Development, the applicant shall submit to the Planning Authority for written agreement:

a) a detailed Planting Plan and Planting Schedule stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should specify a diverse range of species/varieties/cultivars and a diversity of forms and plant sizes (multi-stems, feathered, semi-matures, etc.); using both native and exotic species and pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020), all designed to provide vegetation that is visually appealing, bio-diverse, and easily managed.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the CPD 2022-2028.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

11. Retention of Landscape Architect

- i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.
- ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.
- iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design

12. Sustainable Urban Drainage Systems (SuDS)

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority:

- A. A drawing to show how surface water shall be attenuated to greenfield run off rates.
- B. A drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drains, bio-retention tree pits, rains gardens, swales or other such SuDS.
- C. A comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.
- D. Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should provide the following:
 - i. Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
 - ii. Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
 - iii. The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.
 - iv. Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

v. Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

E. A revised drawing showing a petrol interceptor upstream of attenuation system close to entry point of same.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with relevant policies of the CDP 2022-2028.

13. Removal of Underground Attenuation

Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority:

A. Revised SuDS plans for the site, incorporating additional natural SUDS features into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. The applicant shall remove the proposal for underground attenuation. Underground attenuation is only to be allowed on sites in specific and exceptional circumstances where no alternative measures can be provided, in accordance with the Development Plan 2022 – 2028.

B. The applicant is requested to fill in Table 14.1 'SuDS Rationale and Justification', included under Item 14 – Sustainable Drainage Systems of the Planners Report. The applicant shall provide clear explanations/rationale for selecting/not selecting additional natural SUDS measures.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under the CDP 2022-2028.

14. Green Infrastructure & Green Space Factor

Prior to the commencement of development, the applicant shall submit the following information for the written agreement of the Planning Authority in relation to Green Infrastructure in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

a) demonstrate how it is intended to reduce fragmentation of existing green infrastructure by providing a green infrastructure plan showing connections through the site and connections to wider GI network.

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

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

15. Tree Survey

Prior to the commencement of development the applicant shall submit the following for the written agreement of the Planning Authority:

- i) A detailed Tree Survey,
- ii) Arboricultural Impact Assessment
- iii) Tree Protection Plan and
- iv) Arboricultural Method Statement,

All in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations

The survey is to include trees within a 10m radius of the proposed development infrastructure and any other trees likely to be impacted by the infrastructure or during the construction works. The exact location and layout of the proposed infrastructure is required and detail of what is proposed for retention or removal.

The Arboricultural Method Statement is to detail clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees that are to be retained, as shown in the Tree Protection Plan.

The report shall be carried out by an independent, qualified Arborist. A tree bond may be required based on the results of the survey.

REASON: To ensure the protection, safety, prudent retention and long-term viability of trees to be retained immediately adjacent to the site

16. Invasive Species Report

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority:

- a) an Invasive Species Report which includes a detailed survey for the presence of invasive species within the subject site (as listed on the third schedule of the European Communities (Birds and Natural Habitats Regulations 2011). If invasive species are found to be present within the subject site the applicant shall submit a site specific Invasive Species Management Plan.

REASON: To ensure the protection of the natural Heritage of the site in accordance with relevant policies and objective of the CDP 2022-2028.

17. Bat Survey

Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority:

- a) a physical bat assessment report conducted between the months of April - September clearly outlining if there is bat value on the proposed site. This shall be conducted by an independent, suitably qualified ecologist. If bats are found on the proposed site or in the near vicinity the applicant shall follow all recommendations by the ecologist and retain

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

the services of the ecologist during the construction period, all findings shall be submitted to SDCC and agreed with SDCC Public Realm Section.

REASON: To ensure the protection of the natural Heritage of the site in accordance with relevant policies and objective of the CDP 2022-2028

18. Services

Prior to the commencement of development, the applicant shall submit a clearly outlined landscape plan & arborists drawing that demonstrates that services will not impinge on the existing and proposed trees and hedgerows, proposed service layouts shall be agreed with SDCC Public Realm Section.

REASON: In the interest of visual amenity, to protect existing and proposed trees and to protect bats

19. Taking in Charge

The applicant shall submit a Taking In Charge drawing that distinguishes between all areas to be offered to SDCC and those that will remain in private ownership or under a management company. This shall be submitted for approval prior to commencement of construction.

REASON: In the interest of the proper planning and sustainable development of the area

20. Management Plans

Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority:

A. A developed Construction & Demolition Waste Management Plan (C&DWMP) showing number of loads, haulage routes, times of works, etc..

B. A Construction Traffic Management Plan

C. An Operational Waste Management Plan

REASON: In the interest of the proper planning and sustainable development of the area

21. Hours of Operation for Outside Areas

The Outdoor Area and Covered Outdoor Area to the east of the Public House shall not be used after 10pm Monday – Sunday. Any alteration to the use of the outside area shall require a separate planning consent, with evidence to demonstrate measures to minimise the impact of noise disturbance on neighbouring properties.

REASON: In the interest of residential amenity.

22. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

23. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.

The development name should:

1. Avoid any duplication within the county of existing names, and
2. Reflect the local and historical context of the approved development, and
3. Comply with:
 - (a) Development Plan policy, and
 - (b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and
 - (c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and
 - (d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site.

The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

24. Council Housing Strategy.

The applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

- (i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2022-2028, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and
- (ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2022 - 2028.

25. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

26. Drainage - Irish Water.

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

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

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

27. Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.

REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

28. Notification of Cranes

Prior to the commencement of development, the applicant shall engage with Casement Aerodrome to ensure that any crane operations do not impact on flight procedures. A minimum of 30 days prior notification of erection of cranes shall be provided to the Irish Aviation Authority and Department of Defence in this regard.

REASON: In the interests of aviation safety

29. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €189,964.50 (One Hundred and Eighty Nine Thousand, Nine Hundred and Sixty Four Euros and Fifty Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended).

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

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

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

30. Financial - Bond or Cash

Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:

(A) Lodgement of a cash deposit of €102, 858.00 (One Hundred and Two Thousand, Eight Hundred and Fifty Eight Euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or

(B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €118, 300.00 (One Hundred and Eighteen Thousand, Three Hundred Euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided , completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of

Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

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

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

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

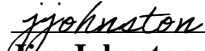
Comhairle Chontae Atha Cliath Theas

PR/0398/23

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0096

LOCATION: Muldowney's Pub, Main Street, Rathcoole, Co. Dublin



Jim Johnston,
Senior Executive Planner



Gormla O'Corrain,
Senior Planner

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

Date: 17 April 2023



Mick Mulhern, Director of Land
Use, Planning & Transportation