

Comhairle Chontae Atha Cliath Theas

PR/0625/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0373 **Application Date:** 29-Sep-2022
Submission Type: Additional **Registration Date:** 04-May-2023
Information

Correspondence Name and Address: Sam Le Bas 149, Foxrock Park, Dublin 18

Proposed Development: Demolition of the existing former two storey steelworks factory (465sq.m) and build on resultant cleared site of circa 0.133 hectares; Construction of 3 flat roof, terraced, three storey, three bedroom houses (160sq.m each, 480sq.m total) with external terraces at first and second floor levels and all associated site development works above and below ground.

Location: Former steelworks factory, Manor Avenue, Terenure, Dublin 6W

Applicant Name: Patricia Carmody

Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area: Stated as 0.133 Hectares

Site Description:

The application site is accessed located on Manor Avenue, which is accessed off Wainsfort Grove in Terenure, Dublin 6 within close proximity to the Wainsfort Road. The site is an infill, backland site that is bounded by College Drive to the south, Wainsfort Road to the west and Wainsfort Park to the north. Manor Avenue is a narrow access route with five residential units on the northern side with access on to the lane.

The site itself is located at the end of Manor Avenue and is a gated site with a predominately concrete surface treatment with two storey storage/commercial unit with roller shutters located to the west of the site.

The area is predominately residential in nature with a mix of detached, semi-detached and terraced residential units with varying architectural styles and relatively uniform building lines and ridge heights. Terenure College is located within the immediate vicinity to the southeast of the proposed development with public transport (Dublin Bus) stops along the Fortfield Road to the east.

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Proposal

The proposed development consists of:

- Demolition of the existing former two storey steelworks factory (465sq.m) and build on resultant cleared site of circa 0.133 hectares.
- Construction of 3 flat roof, terraced, three storey, three bedroom houses (160sq.m each, 480sq.m total) with external terraces at first and second floor levels.
- All associated site development works above and below ground.
- Total area of works 480sqm

Zoning:

The subject site is subject to zoning objective 'RES' - '*To protect and/or improve residential amenity*'.

Consultations:

Irish Water: Additional Information required.

Surface Water Drainage: No objections.

Roads Department: No report received at the time of writing.

Parks Department: Additional Information required.

Environmental Health: No report received at the time of writing.

Transport Infrastructure Ireland: No objections.

SEA Sensitivity Screening

Indicates no overlap with the relevant layers.

Submissions/Observations

None received.

Recent Relevant Planning History

Subject

SD18A/0356 – **Permission Refused** for demolition of former steelworks factory and build on resultant cleared site circa 0.13 hectares. The proposed development will consist of 4 terraced two storey three-bedroom houses and ancillary site works.

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Refusal Reason

The Planning Authority has significant concerns in respect of the turning movements illustrated for a rigid bed refuse or fire tender vehicle. The proposed multi-movements required to turn such a vehicle is considered hazardous and totally dependent on a clear path being available in perpetuity. The applicant has not demonstrated the ability of service vehicles to adequately turn onsite uninhibited. This would have a direct impact on the health and safety of future occupants of the proposed dwellings.

Having regard to the fact that there is an under provision of car parking at the site, based on the car parking requirements specified in the South Dublin County Development Plan 2016-2022, there is a potential for parking of vehicles in undesignated parking areas onsite. This may lead to difficulties in service vehicles turning onsite. In the event of an emergency at any of the residential units at this site, this could potentially result in difficulties in emergency service vehicles accessing the site and turning onsite.

Thus, the proposed development would be prejudicial to public health and would contravene the RES zoning objective of the site 'to protect and/or improve residential amenity', as set out in South Dublin County Council Development Plan (2016-2022) and would therefore be contrary to the proper planning and sustainable development of the area.

ABP-304447-19 – Permission Granted for application under SD18A/0356 by ABP

Reason for Grant of Permission Following Appeal

In deciding not to accept the inspector's recommendation to refuse permission, the Board considered that the omission of one of the four proposed units and a reduction in the number of parking spaces required would allow sufficient access for emergency vehicles. The Board considered that the scale, siting, and layout of the proposed development would integrate with the surrounding area, and that the roof forms, materials and density would be appropriate for the local context, would be in accordance with the pattern of development in the area and would not have an adverse impact on the visual and residential amenity of the properties in the vicinity.

SD18A/0356/C2-1 – Compliance Agreed For Condition 2 of Grant of Permission ABP-304447-19. Decision 8/4/2022.

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CONDITIONS no. 2

2.. The proposed development shall be amended as follows.

(a) Unit no. 02 shall be omitted, and Unit NO.1 shall be relocated westwards to form a terrace of three units.

(b) Four number parking spaces only shall be provided, and a clear width of a minimum of three metres shall be demarcated and kept free of obstacles to allow pedestrian access to the residential units.

(c) The North facing window of the first-floor bedroom of Unit no. 3 in the west end of terrace unit shall be omitted.

(d) All first-floor windows to the north elevation shall be finished in obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interest of residential amenity

Adjacent

SD17A/0229/ PL06S.249298 – 8-10 College Drive - **Permission Refused** for Single detached flat roof two storey dwelling (174.5sq.m) to the rear of 8-10 College Drive with new vehicular entrance onto Manor Avenue and all associated site works and services at the rear of 8-10 College Drive with new entrance onto Manor Avenue.

Refusal Reason

The proposed development would represent piecemeal backland development of two long rear gardens. The development as proposed does not include any level of site analysis or other supporting information that would demonstrate whether a comprehensive backland development, in conjunction with other adjoining long rear garden sites, utilising the Manor Avenue access lane could, or could not, be achieved. This site analysis and other supporting information is a requirement of the planning authority as set out in sections 11.3.2(i) and 11.3.2 (iii) of the South Dublin County Development Plan 2016-2022. It has not been demonstrated that Manor Avenue can be adapted to safely accommodate additional traffic that would be generated by the proposed development. It is considered that the proposed development would, therefore, endanger public safety by reason of traffic hazard, would represent a haphazard approach to zoned serviced lands and would contravene the aforementioned requirements as set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Recent Relevant Enforcement History

S7505 – Enforcement for change of use from business to residential – Closed (Notice Complied With)

Pre-Planning Consultation

None.

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South Dublin County Development Plan 2022-2028

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

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

Policy GI1: Overarching

GI1 Objective 4:

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

Policy GI2: Biodiversity

GI2 Objective 4:

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

Policy GI3: Sustainable Water Management

GI3 Objective 1:

To ensure that hydromorphical assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of this Development Plan.

GI3 Objective 2:

To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.

Policy GI4: Sustainable Drainage Systems

GI4 Objective 1:

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

Policy GI5: Climate Resilience

Policy QDPI: Successful and Sustainable Neighbourhoods

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Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods
Policy QDP3: Neighbourhood Context
Policy QDP6: Public Realm
Policy QDP7: High Quality Design – Development General
Policy QDP7: High Quality Design – Street Frontage
Policy QDP7: High Quality Design – Street Width and Height
Policy QDP7: High Quality Design – Adaptability and Inclusivity
Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)
Policy QDP9: High Quality Design - Building Height and Density
Policy QDP10: Mix of Dwelling Types
Policy QDP11: Materials, Colours and Textures

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

H1 Objective 12:

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

- there are unique site constraints that would prevent such provision; or

- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or

- the scheme is a social and / or affordable housing scheme.

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

Policy H7: Residential Design and Layout

Policy H8: Public Open Space

Policy H9: Private and Semi-Private Open Space

Policy H10: Internal Residential Accommodation

Policy H11: Privacy and Security

Policy H13: Residential Consolidation

H13 Objective 2:

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

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Policy H14: Residential Extensions

H14 Objective 1:

Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy COS5: Parks and Public Open Space – Overarching

COS5 Objective 7:

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

Policy E3: Energy Performance in Existing and New Buildings

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.3.8 Architectural Conservation Areas

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.4.3 Riparian Corridors

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.7 Residential Standards

12.6.8 Residential Consolidation

12.6.10 Public Open Space

12.7.1 Bicycle Parking / Storage Standards

12.7.4 Car Parking Standards

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

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12.6.8 Residential Consolidation Infill Sites

Development on infill sites should meet the following criteria:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual;*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.*
- *Larger sites will have more flexibility to define an independent character;*
- *While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome, SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2022-2028 Implementation and Monitoring (IM) particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines*
- *Sustainable Urban Housing: Design Standards for New Apartments, 2020;*
- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street;*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (See Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: Building Height and Design Guide);*
- *Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;*

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- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;*
- *All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance;*
- *It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;*
- *Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space.*

12.6.8 Backland Development

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- *Be guided by a site analysis process in regard to the scale, siting and layout of development;*
- *Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;*
- *Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance;*
- *Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.*

Relevant Government Guidelines

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008)

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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)

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)

Assessment

The main issues for assessment are:

- Zoning and Council Policy
- Residential and Visual Amenity
- Density
- Accommodation and Open Space
- Roads
- Parks
- Environmental Health
- Drainage
- Green Space Factor
- Transport Infrastructure Ireland
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Principle of development/ Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' Residential development is permitted in principle and therefore a development consisting of three, three-storey residential units would be acceptable subject to accordance with the relevant provisions of the County Development Plan.

It is noted that under SD18A/0356, planning permission was granted in April 2019 for the construction of 3 dwellings on the subject site. While this consent has not been implemented, it remains valid until July 2024 (taking account of grant and Covid days). Accordingly, the principle of the residential use of the site for three units has been established.

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The subject site is 0.133 hectares as stated and is considered infill/backland and as such any development must be consistent with the policies and objectives of the South Dublin County Development Plan 2022 – 2028 including **12.6.8 Residential Consolidation Infill Sites and Backland Development** of Chapter 12 Implementation.

Residential and Visual Amenity

Residential

The previous application for this site granted permission by ABP on appeal (ABP-304447-19) reduced the number of dwellings from four to a terrace of three with pitched roofs with a ridge height of approximately 6.88m. The proposed calls for flat roof with a revised ridge height of 8.4m at its highest point which is substantially in excess of the previous granted permission but is consistent with the ridge height of the existing dwelling to the north of the site. The applicant has designed the proposed units with a rear balcony at first floor level. This would ordinarily not be an appropriate location for a balcony given the potential for overlooking of existing dwellings to the south but given the proposed development would sit approximately 1.2m lower than the rear gardens of the existing dwellings and the relative height of the existing rear boundary wall at 4.85m, it is considered **acceptable in this instance**.

The 2nd floor rear window of the proposed development is highlighted as opaque on the plans provided to mitigate any unwanted overlooking of the neighbouring dwellings and associated private open space. The Planning Authority would maintain concerns in relation to the levels of daylight for the proposed dwellings. **Additional Information** should be requested in this regard. There is a large, glazed area facing due east which would allow for sufficient solar gain and the applicant should consider reducing the size of the southern elevation window.

The fenestration on the northern elevation has resulted in a relatively blank façade as there is only glazing proposed at ground floor level. Section 3 of the South Dublin County Council Building Height and Density Guide states:

'The form, massing and height of proposed developments should be carefully modulated so as to 'maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light'.

It is understood that the applicant has the protection of the residential amenity of the occupants of No.4 Manor Avenue at the forefront when designing the front façade in order to reduce the potential for overlooking but this has resulted in a lack of natural light throughout the day. Again, the applicant has attempted to mitigate this by including roof lights above the northern elevation at first floor roof level, but this is not deemed sufficient, especially for the mid terrace and westernmost units. Furthermore, the ground floor rooms that have windows are proposed to be used as bedrooms and as such, windows at first floor level would add to the feeling of passive surveillance.

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It is considered that windows on the northern elevation could be obscured in this context and that in combination with the rooflights and windows on the southern elevation would be acceptable and should be demonstrated via **Additional Information**. The windows on the proposed eastern elevation are appropriate but serve to highlight the natural light deficiencies of the other units.

The applicant has included a proposed 2nd floor private amenity space which would be partially obscured by timber slated fencing which although would not be appropriate typically, given the constraints of the site is **acceptable** as it is partially fulfilling the private open space requirements.

The additional height from what was approved on appeal could potentially result in a significant reduction in the levels of daylight and sunlight to the adjoining properties and the associated areas of private open space. Accordingly, the applicant should provide a comprehensive daylight and sunlight analysis report demonstrating the acceptability of the potential impact by **Additional Information**. Furthermore, the applicant should submit a reasoned justification for the increased building height proposed as a necessary or desirable component in making optimal use of the capacity of the development site over alternative design approaches in line with prevailing heights.

Overall, additional information is required to address the issues as highlighted in regard to the residential amenity of the area.

Visual

The contemporary design approach adopted by the applicant is welcomed but the County Development Plan states:

'On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes'.

The proposed development does not comply with the provisions of the County Development Plan in this context and does not sit sympathetically within architectural language of the surrounding area. Notwithstanding this, given that the site is enclosed on all sides it will not be visible from any street level vantage point and would not therefore would not be overly jarring. The fenestration issues have been considered and should be addressed via Additional Information.

The massing and scale have been appropriately considered and vertical separation has been achieved throughout the terrace which is appreciated. The materials do not mirror those of the surrounding dwellings but are in-keeping with the design approach adopted and assist in defining the developments unique characteristics and reflect the sites industrial heritage.

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Overall, the proposed development is visually acceptable subject to the additional information required regarding fenestration.

Density

The density calculation for the proposed site should be closer to 6 units on a site of 0.133hectares as a result of its location and proximity to public transport where higher densities are preferred. Notwithstanding this, the site is relatively linear in nature and the unfavourable access for pedestrians and other road users means that **a lower density is appropriate in the site context.**

Internal Accommodation & Private Open Space

Section 5.3.2 of the Quality Housing for Sustainable Communities Guidelines.	Requirement (sq.m)	Provision (sq.m) for each house
Gross Floor Area	110	160
Minimum main living area	15	45.7
Aggregate living area	37	64.3
Aggregate Bedroom Area	36	37.6
Storage	6	10
Living room width	3.8m	7.275m
Double bedroom(s) width	2.8m	2.8m, 2.8m, 5.125m
Main bedroom for house above 3 persons	13	14.4
Double bedroom area	11.4	11.8, 11.4

The internal accommodation of the proposed dwellings therefore generally accords with the Quality Housing for Sustainable Communities and the County Development Plan.

Table 3.20 of the County Development Plan requires a minimum of 60sqm for 3-bedroom houses with the following exception as per **12.6.8 Residential Consolidation**:

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

Unit Number	Rear Garden	1 st Floor Terrace	2 nd Floor Terrace	Total
1	36.3sqm	10.1sqm	17.6sqm	64sqm
2	41.3sqm	10.1sqm	17.6sqm	69sqm
3	50.5sqm	10.1sqm	17.6sqm	78.2sqm

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Although the 2nd floor terrace is not desirable in terms of the residential amenity of the area, it is considered appropriate in the context of the development overall and it is considered that the proposed development meets the requirements for private open space provision. Given the relatively small area of the rear amenity space, a **condition** revoking the Section 4 exempted development entitlements should be attached in respect of extensions.

Roads

The proposed development is located on a narrow lane with haphazard development along the northern side. The Roads Department recommend a **refusal of permission** and submitted the following report:

Description:

Demolition of the existing former two storey steelworks factory. Construction of 3 flat roof, terraced, three storey, three bedroom houses and all associated site development works above and below ground.

Access:

The site is located at the end of a narrow laneway which is bounded by a hedge and walls. The laneway is in charge up to a point which corresponds with the red line boundary shown on the application drawings. There is one other house/driveway which is accessed off the section of laneway which is not taken in charge.

The laneway varies in total width between 4.6m and 4.9m. The carriageway width along the lane is approximately 3.0m in places. The width, existing edge constraints and bend in the lane would make it difficult for two vehicles to pass should they meet on the lane.

There appears to be a number of gates along the laneway. It would be preferable to remove these gates to the residential development in order to avoid a gated development and to allow access.

Parking:

Table 12.26 of the SDCC Development Plan 2022-2028 sets the Maximum Parking Rate for a 3-Bed dwelling at 2 no. spaces.

The proposal is to provide 4 no. spaces for the 3 no. dwellings. This would equate to 1.33 parking spaces per dwelling.

Due to the access laneway being narrow and lacking any pedestrian or public lighting facilities, it would be reasonable to assume that the vast majority of journeys to and from the site will be made by car. SDCC Roads Dept. therefore considers the parking provision to be low. This under provision could lead to the haphazard parking of residents and visitors vehicles resulting in a traffic hazard.

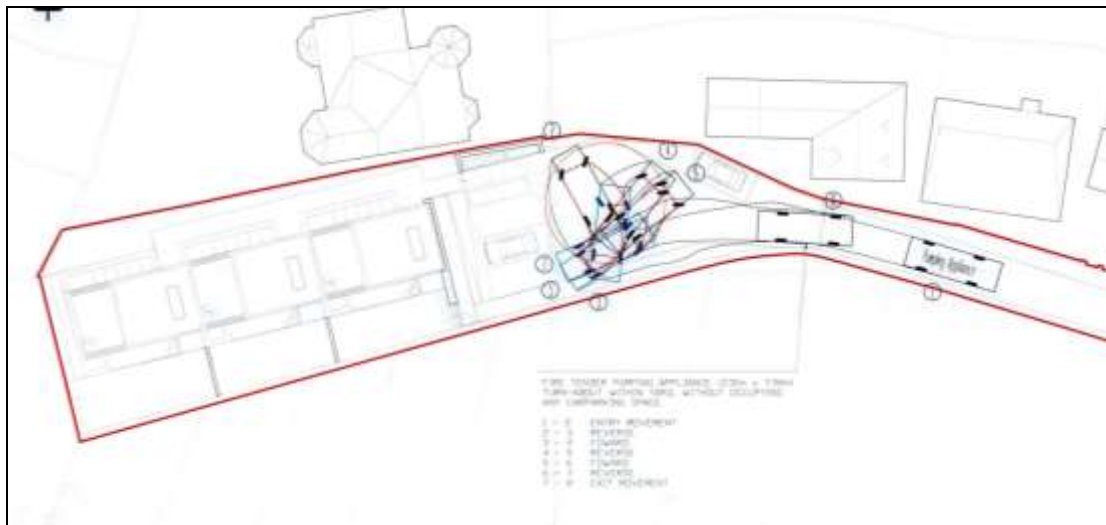
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Turning Movements:

The applicant has submitted a swept path analysis showing the turning movements of service vehicles on the site. SDCC Roads Dept. has serious concerns around the number and complexity of movements required for these vehicles to turn. Furthermore, the manoeuvrability of service vehicles is completely reliant on a clear path being available. As noted above, the low parking provision would increase the possibility of car being parked outside designated parking bays.



Roads Recommend Refusal.

SDCC Roads Dept. recommend refusal for the following reasons:

- 1. The under provision of car parking based on the lack of pedestrian facilities at the site which could result in a traffic hazard due to illegal or dangerous parking practices.*
- 2. The multi-movements required to turn service vehicles is hazardous and totally dependent on a clear path being available at all times.*

The report from the Roads is noted and considered appropriate as the manoeuvres required to turn service vehicles is not consistent with proper planning or sustainable development of the area. Furthermore, given the obvious reliance on the car to access the site, the parking provisions are considered inadequate. Notwithstanding this, the previous application granted permission under ABP-304447-19 was not excessively different to the proposed development in terms of parking and turning space provisions albeit, the location of the four spaces was more appropriate and the applicant should revise the parking layout to group all spaces together and remove the side entrance to the rear garden of Unit 1 by **Additional Information**.

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Parks

The Parks Department require **Additional Information** and the following report was received:

COMMENTS:

In relation to the above proposed development, this section has reviewed the application and has the following comments.

Landscape Plan

The submitted landscape plan lacks sufficient information. The applicant therefore requested to provide a landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations. The landscape proposals to be prepared by a suitably qualified landscape architect.

Open Space Provision

It is still not clear from the information submitted if proposal would meet the relevant open space requirements for this development. The applicant is requested to submit in table form the percentage (%) and area in sq.m the of the proposed private, semi-private and public open space provision within the site. The applicant should demonstrate compliance with the South Dublin County Development Plan 2022-2028 in relation to open space Sections 8.7 and 12.6.10. Public open space shall be provided at the rates specified in Table 12.22 below. The occupancy rate used for the purposes of public open space calculations is 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Table 12.22: Minimum Public Open Space Standards

Land Use	Public Open Space Standards (Minimum)
Overall Standard	2.4 Ha per 1,000 Population
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area
Institutional Lands / 'Windfall' Sites	Minimum 20% of site area

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Arboricultural Impact

As per the submitted Arboricultural Assessment Report prepared by Arbor Care the impact on the existing trees as a result of the proposed development will be minimal. It is not proposed to remove any of the existing trees to accommodate the proposed development. The applicant is therefore requested to adhere and implement all tree and ground protection measures specified within Section 6 Tree Protection contained within the submitted report.

SUDS

There is a lack of SuDS (Sustainable Drainage Systems) shown for the proposed development. Natural SUDS features shall be incorporated into the proposed drainage system. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022.

Green Infrastructure

As required under Section 12.4.2 of the CDP 2022/2028, all planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, having regard to the following:

- *In the case of small-scale developments this may consist of a simple landscape plan which includes objectives to protect or restore existing on site GI assets, provides for connection to local or primary GI corridors or includes elements which allow the site to act as a local stepping stone;*
- *Where the development site is located within or close to a Core or Corridor the development should, at a minimum, protect any existing GI assets and enhance same (for example, not breaking a GI Corridor but enhancing same with a connecting piece of planting, retaining hedgerows or woodlands);*
- *The characteristics and assets of the proximate GI Core, Corridor or Stepping Stone should be reflected within proposed development, for example continuation of hedgerows, tree planting, waterways;*
- *Development should seek to enhance or restore features that act as ecological corridors, particularly water features, hedgerows, tree lines, areas of un-cultivated land. These, or some element of them, should be incorporated into the proposed development to create pathways for wildlife and / or increase amenity value;*
- *Development sites which are not located proximate to designated GI Cores or Corridors should identify the nearest designated GI Core, Corridor or Stepping Stone and make provision for GI interventions on the site which could eventually provide a link to local Stepping Stones, Cores or Corridors;*
- *Developers should be aware that ecological corridors can also act to quickly spread non-native invasive species. Therefore, identification and control of invasive species site should be included in planning applications and the GI Plan.*

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All development proposals shall be accompanied by a Green Infrastructure Plan, which will normally be submitted as part of the suite of Landscape Plans that are required for a development. Plans shall include the following:

- *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;*
- *Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;*
- *Indicate how the development proposals link to and enhance the wider GI Network of the County;*
- *Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site; à Proposals for identification and control of invasive species.*

GREEN SPACE FACTOR (GSF)

The GSF is a score-based requirement that establishes minimum standards for landscaping and GI provision in new developments. Minimum scoring requirements are based on the land-use zoning of a site (See GI5 Objective 4), this applies to all development comprising 2 or more residential units and any development with a floor area in excess of 500 sq.m. Qualifying developments are required to reach the minimum Green Space Factor (GSF) score established by their land use zoning. Developers can improve their score by both retaining and enhancing existing landscape features and incorporating new features. A developer will be required to specify the GSF measures included within a proposed development as part of the submitted Green Infrastructure Plan and Landscape Plan. A Green Space Factor Guidance Note will also be made available on the Council's website under the Development Plan section setting out the applicable weightings and scorings. Where applicable, a completed worksheet shall be submitted with the Green Infrastructure Plan and Landscape Plan in support of a proposed development.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following ADDITIONAL INFORMATION be requested:

1. Landscape Design Proposals

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section.

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The applicant shall provide the following additional information:

- i. The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
- ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- iii. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.*
- iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site*
- v. Demonstrate how natural SUDS features can be incorporated into the design of the proposed Development*
- vi. Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, 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.*

2. Boundary Treatment

The applicant is requested to submit elevation drawings specifying the proposed boundary treatment to the front of the site.

3. Sustainable Drainage Systems

(A) The applicant should demonstrate compliance with the SDCC SUDS Design Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.

(B) In relation to SUDs, the applicant is requested to submit plans showing how surface water shall be attenuated to greenfield run off rates and showing what SuDS (Sustainable Drainage Systems) are proposed.

(C) SUDs Management - The applicant is requested to submit 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.

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(D) 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 demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development. 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) The applicant is requested to submit a report to show surface water attenuation calculations for proposed development. Show on a report and drawing what surface water attenuation capacity each SuDS (Sustainable Drainage System) system has in m³. Show in report what surface water attenuation capacity is required for proposed development. Show what different surface types, areas in m² are proposed such as, green roofs, permeable paving, buildings, roads and their respective run off coefficients. Submit a drawing showing the treatment train of SuDS and proposed natural flow controls for each SuDS system.

4. Green Infrastructure and Green Space Factor (GSF)

The applicant is requested to provide additional information as follows and 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 Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC

5. Tree Protection Measures

No works in connection with the proposed development shall commence unless the tree protection measures have been implemented in full in accordance with the submitted tree protection plan and arboricultural impact assessment report. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area

The Additional Information as specified by the Parks is considered appropriate and should be requested from the applicant.

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Environmental Health

No report was received from the Environmental Health Officer but notwithstanding this, there is unlikely to be a significant impact on the accepting site requiring substantial input.

Drainage

The Water Services section have no objections to the proposed development subject to **conditions**.

Irish Water require **Additional Information** and the following report was received:

1. Water

1.1 Proposed hydrants are too close to proposed development and do not meet Irish water standards.

1.2 Submit a drawing showing a revised watermain layout of proposed development that comply with Irish Water Standards.

1.3 Submit a Confirmation Letter of Feasibility from Irish Water for proposed development.

1.4 Submit a pre connection enquiry with Irish Water.

- Prior to the commencement of development, the applicant or developer shall enter into a water connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate water facilities.

2. Foul

2.1 Submit a Confirmation Letter of Feasibility from Irish Water for proposed development.

2.2 Submit a pre connection enquiry with Irish Water.

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

Reason: In the interest of public health and to ensure adequate water facilities.

The **Additional Information** as required by Irish Water is considered appropriate and the applicant should be requested to provide this as part of the overall Additional Information request.

Part V Social Housing

The proposed development relates to 3 residential units and therefore, under Section 97 of the Planning and Development Act 2000 (as amended), Section 96 of the same Act does not apply with regards to the provision of social or affordable housing.

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Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of the construction of three, three-storey, three-bed residential units.

Having regard to:

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

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

Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the development, and the distance of the site from nearby sensitive receptors, there is no real 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.

Other Considerations

Development Contributions	
Planning Reference Number	SD22A/0373
Summary of permission granted & relevant notes:	Terrace of three, 3 storey, 3-bed residential units
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	480
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	480
Total development contribution due	€50,155.20

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SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – House	480
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.133

Conclusion

A development consisting of three, three-storey residential units is acceptable in principle subject to adherence to the provisions of the South Dublin County Development Plan 2022 – 2028. Notwithstanding this, there are outstanding issues that should be addressed by the applicant by Additional Information to include the following:

- A full Daylight/Sunlight and Overshadowing Analysis.
- A reasoned justification for the increased building height.
- Redesign of the proposed development including adding obscure glazed windows at first floor level on the northern elevations and providing a smaller, unobscured glazed window on the 2nd floor southern elevation.
- Remove the access to the rear garden of Unit 1 and locate all car parking directly to the east of Unit 1 to improve the accessibility for emergency services etc.
- A fully detailed landscape plan with full works specification.
- Elevation drawings specifying the proposed boundary treatment to the front of the site.
- Provide appropriate SuDS measures.
- Provide a Green Space Infrastructure Plan.
- Demonstrate appropriate tree protection measures.
- Demonstrate in table form the percentage (%) and area in sqm the of the proposed private, semi-private and public open space provision within the site.
- Provide plans demonstrating an appropriate distance to the hydrants.
- Submit a drawing showing a revised watermain layout of proposed development that comply with Irish Water Standards, Confirmation Letter of Feasibility from Irish Water and pre-connection enquiry with Irish Water for both water and foul connections.

Recommendation

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

1. The applicant should provide a comprehensive daylight/sunlight and overshadowing analysis report, prepared in accordance with the relevant BRE guidance to demonstrate the following;
 - A. The potential impact on the neighbouring dwellings and associated areas of private open space;

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- B. The proposed dwellings and associated areas of private open space comply with the relevant standards.

Note: Where relevant the applicant should provide a comparative assessment with the development consented under Reg. Ref. SD18A/0356 (as granted by A.B.P)

2. The applicant should submit a reasoned justification for the increased building height proposed as a necessary or desirable component in making optimal use of the capacity of the development site over alternative design approaches in line with prevailing heights of the surrounding dwellings.
3. The applicant should submit revised drawings to include elevations, floor plans and sections indicating the following amendments:
 - i) Include obscure glazing at first floor level on the northern elevation to improve daylight provision and passive surveillance.
 - ii) Remove the side access to the rear of Unit 1.
 - iii) Group all car spaces to the east of Unit 1.
4. There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development.

The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:

- i. The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.
- ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.
- iii. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.
- iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site.
- v. Demonstrate how natural SUDs features can be incorporated into the design of the proposed Development.

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- vi. Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, 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.
4. The applicant is requested to submit elevation drawings specifying the proposed boundary treatment to the front of the site.
5. (A) The applicant should demonstrate compliance with the SDCC SUDS Design Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.
(B) In relation to SUDs, the applicant is requested to submit plans showing how surface water shall be attenuated to greenfield run off rates and showing what SuDS (Sustainable Drainage Systems) are proposed.
(C) SUDs Management - The applicant is requested to submit 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) 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 demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development. 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) The applicant is requested to submit a report to show surface water attenuation calculations for proposed development. Show on a report and drawing what surface water attenuation capacity each SuDS (Sustainable Drainage System) system has in m³. Show in report what surface water attenuation capacity is required for proposed development. Show what different surface types, areas in m² are proposed such as, green roofs, permeable paving, buildings, roads and their respective run off coefficients. Submit a drawing showing the treatment train of SuDS and proposed natural flow controls for each SuDS system.

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7. The applicant is requested to provide additional information as follows and 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 Greening Factor will be achieved for the relevant land use zoning objective. See Green Space Factor Worksheet.
8. The applicant should demonstrate in table form the percentage (%) and area in sqm the of the proposed private, semi-private and public open space provision within the site.
9. The applicant should provide the following: - Plans demonstrating an appropriate distance to the hydrants. - Drawings showing a revised watermain layout of proposed development that comply with Irish Water Standards. - Confirmation Letter of Feasibility from Irish Water and pre-connection enquiry with Irish Water for both water and foul connections.

Additional Information

Additional Information was requested on 23rd November 2022.

Additional Information was received on 4th May 2023.

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

Submissions/Observations

No submissions / observations received.

Assessment

The following Additional Information was received from the Applicant on 4th May 2023:

- Cover Letter prepared by Sam Le Bas Architect dated 3rd May 2023.
- Additional Information Response document prepared by Sam Le Bas Architect.
- Drawing No. 2204-PL-100 – Site Plan Proposed prepared by Sam Le Bas Architect.
- Drawing No. 2204-PL-101 – Floor Plans Proposed prepared by Sam Le Bas Architect.
- Drawing No. 2204-PL-102 - Elevations Proposed prepared by Sam Le Bas Architect.
- Drawing No. 2204-PL-103 – Sections Proposed prepared by Sam Le Bas Architect.
- Daylight & Sunlight Assessments prepared by Digital Dimensions.
- Drainage Design Report prepared by Kavanagh Burke Consulting Engineers.
- Irish Water Confirmation of Feasibility dated 2nd February 2023.

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- Drawing No. D1606-1-KB-XX-XX-DR-C-0002 – SuDS & Drainage Details prepared by Kavanagh Burke Consulting Engineers.
- Drawing No. D1602-1-KB-XX-DW-DR-C-0001– Drainage & Watermain Layout prepared by Kavanagh Burke Consulting Engineers.
- Landscape Architectural Report prepared by Bernard Seymour Landscape Architects.
- Completed Green Space Factor Worksheet.
- Drawing No. DN2304-01A – Landscape Existing prepared by Bernard Seymour Landscape Architects.
- Drawing No. DN2304-01B – Aerial Photo (Google) prepared by Bernard Seymour Landscape Architects.
- Drawing No. DN2304-01C – Photos (Google) Existing prepared by Bernard Seymour Landscape Architects.
- Drawing No. DN2304-01 – Landscape Existing prepared by Bernard Seymour Landscape Architects.
- Drawing No. DN2304-02 – Landscape Proposal prepared by Bernard Seymour Landscape Architects.
- Drawing No. DN2304-04 – Landscape Sections prepared by Bernard Seymour Landscape Architects.
- Drawing No. DN2304-05 – Landscape Details prepared by Bernard Seymour Landscape Architects.

The Additional Information provided by the Applicant will be assessed below in the context of the 9 No. Additional Information Items requested by the Planning Authority on 23rd November 2022:

Additional Information Item No. 1

In relation to the impact of the proposed development on the surrounding, the submitted assessment demonstrates that there will be an impact on the daylight levels received by 2 No. ground level windows of the ground floor projection of No. 4 Manor Avenue.

However, it is noted that this shortfall represents a minor departure from the impact of the previously permitted scheme and the shortfall is mitigated by the rooflights and remaining fenestration of No. 4 Manor Avenue which does achieve the standard. Similarly, with regard to the impact on sunlight received by No. 4 Manor, the submitted reports largely demonstrate compliance with the required standard, with the exception of the four windows which would fail to meet the required Winter Probable Sunlight Hours. Considering the degree of non-compliance which is relatively minor, that the failure is limited to four windows and that the impacted property is a detached dwelling with multiple aspects, the proposed development would not result in an unacceptable level of impact and is therefore considered acceptable.

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Whilst the ground level gardens of the proposed 3 No. dwellings do not meet the required standards for sunlight, the first and second floor terraces receive sufficient sunlight to mitigate the shortfall of the gardens. It is considered that Additional Information Item No. 1 has been satisfactorily addressed.

Additional Information Item No. 2

It is noted that, although the proposed development of this Planning Application represents an increase to the previously permitted height of SD18A/0356 / ABP-3044447-19, the height of the proposed dwellings sits below that of adjacent dwellings to the north, south and west of the subject site.

Having regard to findings of the Daylight and Sunlight Assessment prepared by Digital Dimensions, the lower height of the proposed dwellings in comparison to surrounding properties and the design measures to mitigate against the potential for overlooking such as opaque glazing and timber fins, it is considered that the height of the proposed 3 No. dwellings is acceptable and would not have a significant adverse impact on the amenity of surrounding properties. In this regard, Additional Information Item No. 2 has been satisfactorily addressed.

Additional Information Item No. 3

In response to Additional Information Item No. 3, the Applicant has provided revised drawings which demonstrate the following:

- i) A window with obscure glazing at first floor level of each of the 3 No. dwellings which improves the daylight provision.
The side access to Unit No. 3 (previously annotated as Unit No. 1) has been omitted.
- ii) The 4 No. car parking spaces have been grouped to the east of Unit No. 3 (previously annotated as Unit No. 1). The Report of the Roads Department indicates that they are satisfied with the revised car parking layout and have no objection to the proposed development subject to **CONDITIONS**.

Having regard to the revised site layout, plan, elevational and sectional drawings provided by the Applicant, it is considered that Additional Information Item No. 3 has been successfully addressed.

Additional Information Item No. 4

In response to Additional Information Item No. 4, the Applicant has provided a Landscape Architectural Report and accompanying drawings prepared by Bernard Seymour Landscape Architects and a SuDS and Drainage Details drawing prepared by Kavanagh Burke Consulting Engineers.

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The Report of the Parks and Public Realm Department outlines the following assessment of the Applicant's Response to Additional Information Item No. 4:

- i) The applicant has submitted a comprehensive design rationale which is acceptable to the Public Realm Section
- ii) The applicant has submitted a detailed planting plan which is acceptable to the Public Realm Section.
- iii) The applicant has submitted hard and soft landscape details which is acceptable to the Public Realm Section.
- iv) The submitted information is acceptable to the Public Realm Section in terms of measures proposed to reduce the impacts of the development on existing GI adjacent to the proposed development site.
- v) The proposed SUDS details are acceptable to the Public Realm Section; however, the applicant has proposed a Stormtech attenuation tank as part for the surface water drainage proposals for the scheme, this is not acceptable to the public realm section and is not compliant with SDCC Guidance Sustainable Drainage Systems - SDCC or Department of Housing Best Practice Guidance Document 409cd225-5afc-44b8-a7b1-bb595632a904.pdf (www.gov.ie). the Planning Authority only accept underground attenuation tanks as a last resort. An alternative location should be sought and found for the provision of nature-based solutions and above ground attenuation. The applicant shall provide additional above ground attenuation incorporating natural solutions.
- vi) As per above, the submitted information is acceptable to the Public Realm Section in terms of measures proposed to reduce the impacts of the development on existing GI adjacent to the proposed development site.

Having regard to the Report of the Parks and Public Realm Department, which ultimately concludes with no objection to the proposed development subject to **CONDITIONS**, it is considered that the Applicant has successfully addressed Additional Information Item No. 4.

Additional Information Item No. 5

In response to Additional Information Item No. 5 the Applicant has provided Drawing No. 2204-PL-103 – Sections Proposed prepared by Sam Le Bas Architect and a Landscape Design Report and accompanying drawings which demonstrate the proposed boundary treatment to the front of the subject site.

The proposed front boundary treatment is comprised of a 1.8m high powder coated metal entrance gate. The planning authority would raised seroious concerns with the creation of a gated community, and would represent a poor planing outcome. It is recommed that the gates be omitted by condition .

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Additional Information Item No. 6

In response to Additional Information Item No. 6, Kavanagh Burke Consulting Engineers have prepared a Drainage Design Report and a SuDS and Drainage Details drawing.

The Drainage and Water Services Department and Irish Water have reviewed the Additional Information submission, with both their Reports noting no objection to the proposed development, subject to **CONDITIONS**. It is therefore considered that Additional Information Item No. 6 has been satisfactorily addressed.

Additional Information Item No. 7

In response to Additional Information Item No. 7, the Applicant has provided a Landscape Architectural Report and accompanying drawings prepared by Bernard Seymour Landscape Architects and a completed Green Space Factor Worksheet demonstrating a GI Score of 0.69.

The Report of the Parks and Public Realm Department in relation to the Additional Information submission provides the following assessment of the Applicant's Response to Additional Information Item No. 7:

- a) The submitted information is acceptable to the Public Realm Section in terms of measures proposed to reduce the impacts of the development on existing GI adjacent to the proposed development site.*
- b) The applicant has submitted a GSF worksheet and has achieved the required GSF score for the relevant land use zoning objective for the site as set out by the CDP 2022-2028.*

Having regard to the Report of the Parks and Public Realm Department, it is considered that the Applicant has successfully addressed Additional Information Item No. 7.

Additional Information Item No. 8

In response to Additional Information Item No. 8, the Applicant has provided a table outlining the Private, Semi-Private and Public Open Space of the proposed development.

The Parks and Public Realm Department have assessed the Additional Information submission, with their Report noting no objection, subject to **CONDITIONS**. It is therefore considered that Additional Information Item No. 8 has been addressed.

Additional Information Item No. 9

In response to Additional Information Item No. 9, Kavanagh Burke Consulting Engineers have prepared a Drainage Design Report and Drainage & Watermain Layout. The Applicant has also provided a Confirmation of Feasibility Letter from Irish Water dated 2nd February 2023.

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The Drainage and Water Services Department and Irish Water have reviewed the Additional Information submission, with both their Reports noting no objection to the proposed development, subject to **CONDITIONS**. It is therefore considered that Additional Information Item No. 9 has been satisfactorily addressed.

Other Considerations

Development Contributions	
Planning Reference Number	SD22A/0373
Summary of permission granted & relevant notes:	Demolition of the existing former two storey steelworks factory (465sq.m) and build on resultant cleared site of circa 0.133 hectares; Construction of 3 flat roof, terraced, three storey, three bedroom houses (160sq.m each, 480sq.m total) with external terraces at first and second floor levels and all associated site development works above and below ground.
Are any exemptions applicable?	No
If yes, please specify:	N/A
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
Assessable Area of Development (m2)	480.00
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	480.00
Total development contribution due	€57,168.00

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SEA Monitoring Information

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – 3 No. new dwellings	480
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.133

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2022-2028 and the Additional Information provided by the Applicant, it is considered that the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to the proper planning and sustainable development of the area and any outstanding issues can be addressed by way of Condition.

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 4th May 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.

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2. Prior to the commencement of development, the Applicant shall obtain a road opening licence for laying of Surface water sewer on the public road.
REASON: In the interests of the proper planning and sustainable development of the area.
3. 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.
 - (c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
4. 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.
5. The proposed landscaping scheme shown on the Plans and Particulars submitted with the Application and the Additional Information submission received on 4th May 2023 shall be implemented in full, within the first planting season following completion of the development, in addition:
 - a) All hard and soft landscape works shall be completed in full accordance with the submitted plans.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within the CDP 2022-2028.

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6. The Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works will not compromise the agreed and approved landscape development, to ensure adequate protection of the existing trees approved for retention and to supervise the implementation of the landscape plans from start to finish.

A certificate of effective completion for the agreed and approved landscape scheme shall be submitted to the Planning Authority upon completion of the landscape works, such certificate to be prepared by the qualified Landscape Architect for the project.

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.

7. Unless otherwise agreed in writing and prior to the commencement of development, the Applicant shall provide for the written agreement of the Planning Authority a Site Layout and Drainage Plan demonstrating the provision of additional natural SUDS features as part of proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Removal of proposal for underground attenuation.
- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.

As per Section 12.11 (iii) of CDP 2022-2028 only exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort. The Development should seek to maximise the use of permeable surfaces, as well as opportunities for stormwater attenuation and storage through SuDS and limit the use of underground attenuation and storage. The applicant shall submit a revised drawing in plan and cross-sectional view showing additional SuDS which removes the requirement for underground attenuation tanks such as:

- Green / Blue Roofs
- Swales
- Green areas
- Permeable Paving
- Tree Pits
- Pond/s

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 the policies and objectives of the County Development Plan 2022-2028.

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8. **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 Schedule 2, Part 1 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the 3 No. permitted dwellings 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.

9. **Financial Contribution.**

The developer shall pay to the Planning Authority a financial contribution of €57, 168.00 (Fifty Seven Thousand, One Hundred and Sixty Eight Euros), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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

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

10. **Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).**

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REASON: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. Restriction on Use and Occupancy.

Each of the residential units shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, (including short-term letting).

REASON: To prevent unauthorised development.

12. Construction Traffic Management Plan

Prior to the commencement of development the Applicant shall submit for the written agreement of the Planning Authority a Construction Management Plan which outlines the management of Construction traffic arising from the site and how it shall be managed in accordance with a method statement for the management of the construction phase.

In this regard within a maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall lodge with the Planning Authority for written agreement:

A site specific Construction Traffic Management Plan that accords with the Council's Traffic Section requirements.

The required Construction Traffic Management Plan shall include:-

- (i) Details of the agreed number, location and use of suitable facilities for vehicle cleansing and wheel washing provided on site prior to commencing of construction and a written commitment that such facilities will be maintained in a satisfactorily operational condition during all periods of construction, and;
- (ii) Location of all on-site car parking facilities provided for site workers during the course of all construction activity, and;
- (iii) Provision for dust suppression measures in periods of extended dry weather, and;
- (iv) Provision for the flexible use of a road sweeper if an acute situation on the adjoining public road requires it, and;
- (v) Location of materials compound and site huts, and;
- (vi) Details of security fencing, and;
- (vii) Name and contact details for site manager, and;
- (viii) Methodology for the use and control of spoil on site during construction, and;
- (ix) Details of access arrangements/routes to be used by construction traffic, to include details of arrangements to manage potential conflicts with site specific issues i.e. schools, playing pitches etc..
- (x) Measures to obviate queuing of construction traffic on the adjoining road network. In this regard the applicant owner or developer shall consult with the Council's Traffic Section before any works are carried out, and;
- (xi) Details of measures to protect watercourses on or adjoining the site from the spillage of deposit of clay, rubble or other debris,

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(xii) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or public footpath during the course of site development works;

The plan should also be informed by any Project Construction Waste and Demolition Management Plan required to be prepared and agreed that addresses intended construction waste management and any traffic issues that may arise from such a plan.

A record of daily checks that the works are being undertaken in accordance with the site specific Construction Traffic Management Plan shall be kept for inspection by the Planning Authority.

Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

13. Construction Waste Management Plan.

Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

14. Minimise Air Blown Dust.

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

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

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15. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

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

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

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

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

16. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground within the site. Ducting shall be provided by the developer to facilitate the provisions of broadband infrastructure within the proposed development.

REASON: In the interests of visual and residential amenity.

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17. Amendments.

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

Revised plans that incorporate all of the following amendments-

(a) The proposed entrance gates to the development hereby consented shall be omitted

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

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 applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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.

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

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD22A/0373

LOCATION: Former steelworks factory, Manor Avenue, Terenure, Dublin 6W



**Conor Doyle,
Assistant 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: 31/05/2023



**Colm Harte,
Senior Executive Planner**