

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

Decision Order No.	0854	Date of Decision	25-Jul-2023
Register Reference	SD22A/0347	Date	28-Jun-2023

Applicant:

Romeville Developments Limited

Development:

Demolition of 1 residential property and 1 ancillary outbuilding. Construction of a residential development of 42 three-bedroom dwellings in a mix of terraced and semi-detached units. The proposed will comprise of 2 typologies: typology F (21 dwellings) and typology L (21 dwellings) both 2 storey with typology F having a 2nd floor loft accommodation with front dormer windows. Total residential gross floorspace is 5622sqm. Development includes 84 in curtilage surface car parking spaces (3281sqm). Public open spaces in an eastern park and a western park (including proposed play equipment), an additional large parkland to the south of the site (11797sqm) comprising the first phase of linear park. Private domestic gardens. A new vehicular, pedestrian and cycle entrance from Stoney Hill road. An internal road network, including footpaths/cycleways. 3 refuse/bin stores, public lighting, landscaping, boundary treatments, drainage and engineering works and all other associated and ancillary development works.

Location:

2.9 hectare site, East of Stoney Hill Road, Rathcoole, Dublin

Time extension(s) up to and including:

**Additional Information
Requested/Received:**

26-Oct-2022/28-Jun-2023

Clarification of Additional

Information Requested/Received:

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

REASON(S)

1. The Planning Authority is not satisfied that the applicant has adequately addressed the concerns raised in the additional information request relating to the RES-N zoning of the site, the site layout, provision of public open space as a result of unacceptable SuDS proposals (specifically underground attenuation), Green Space Factor (GSF), green infrastructure and loss of hedgerow. The piecemeal, ad hoc development of the site is considered inappropriate, particularly as the site is of a scale that a cohesive development could be delivered in accordance with an agreed masterplan to ensure adherence to the policies and objectives of the South Dublin County Development Plan 2022 – 2028.

Section 1.4 of the Development Plan states the structure of the plan has been designed to provide a ‘layered approach’ to development, with chapters relating to natural, cultural and built heritage and green infrastructure effectively forming the baseline upon which developments should be considered so that the relevant policies and objectives can contribute towards climate action, improved biodiversity and placemaking. On the basis of this order of priority, it is considered that the site layout needs to be re-examined to better prioritise hedgerow retention, provision of appropriate public open spaces of amenity value and, SuDS that are appropriately located with reference to the sites contours to address runoff from the development within the context of the wider RES-N zoned lands at this location. development.

Policy QDP16 seeks to ‘Prepare Framework Plans and Masterplans as required for identified areas on Council owned or other lands to facilitate a co-ordinated approach to development.’ In this instance, to avoid piecemeal development, a detailed masterplan of the entire landholding is considered necessary to ensure the development of a co-ordinated development. Without an agreed vision for the wider lands and an understanding of the broader environmental impacts of the development in this regard, the development, as currently proposed, is considered piecemeal. The delivery of piecemeal development at this location and within the applicant’s ownership, would be contrary to the proper planning and sustainable development of the area.

2. NCBH11 Objective 5 of the 2022 – 2028 Development Plan states it is an objective ‘to ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted and that important heritage features and potential wildlife corridors are protected.’ The applicant is proposing to remove approximately 43% of the existing, mature, hedgerow on site. Retention of as much hedgerow on sites such as the application site should always be sought however, it is understood that balance is required in looking to deliver housing on appropriately zoned lands. While the removal of some hedgerow may be considered necessary to facilitate development, appropriate and significant mitigation is required where removal is proposed. 43% of hedgerow is a significant loss and, for the following reasons, is it not considered that the applicant has provided sufficient mitigation on site to justify the loss, based on the current layout.

The application is contrary to GI5 Objective 4, the applicant has not achieved the appropriate Green Space Factor (GSF) for the ‘RES-N’ zoned portion of the site.

In addition, the inclusion of underground attenuation beneath public open space, contrary to GI4 Objective 1, results in the required public open space per COS5 Objective 4 not being provided.. Not complying with the requirements of the aforementioned represents issues in relation to site layout and design, and further demonstrate why piecemeal development of the site is not appropriate. The development, as currently proposed, would therefore not be in accordance with the proper planning and sustainable development of the area, in particular due to inadequacies in green infrastructure maintenance and mitigation, and SuDS.

3. The Planning Authority has consistently raised concerns regarding the layout of the site and the associated loss of hedgerow. Furthermore, concerns have been raised regarding the suitability of the proposed road serving the development, and future masterplan lands, and the lack of passive surveillance and active frontage onto public open space and the central road. Policy QDP7 seeks to 'Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.' As currently designed, the development is not considered to represent a high-quality example of urban design. Lack of live edges, contrary to QDP7 Objective 2, could give rise to issues along the central road and public open space, where passive surveillance and active edges have not been utilised. Given the extent of boundary walls at certain locations facing east/west, parts of the development could benefit from alternative design solutions. The lack of street trees also creates a stark public realm, impacting the overall aesthetic of the development and is contrary to the requirements of DMURS. In addition, the width of the road is not considered appropriate to serve the remainder of the landholding, once developed. To ensure traffic safety, both in terms of vehicular movements and avoiding impacts to pedestrian and cyclists, revisions to the road layout are required. As currently designed, the scheme is considered contrary to policy QDP4, which seeks to 'promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in, ' policy QDP5 which seeks to promote short distance neighbourhoods, and, as previously stated, policy QDP7. The current design does not meet the requirements of the Development Plan and represents ad hoc development of a greenfield site. The development, as currently proposed, would be contrary to the proper planning and sustainable development of the area and would set a precedent for similar, poorly designed layouts elsewhere in the county.

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

Register Reference: SD22A/0347

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 25-Jul-2023
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

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

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
 3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
 4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
 5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
 6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
 7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development€4.500.00 or €9.000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1.500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)€660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f)€220.00
 - (e) Application for leave to appeal.....€110.00
 - (f) Appeal following a grant of leave to appeal€110.00
 - (g) Referral€220.00
 - (h) Reduced fee (payable by specified bodies).....€110.00
 - (i) Submission or observations (by observer).....€50.00
 - (j) Request from a party for an Oral Hearing€50.00

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

Telephone 01-858 8100