

Comhairle Chontae Atha Cliath Theas

PR/1201/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0390 **Application Date:** 13-Oct-2022
Submission Type: Clarification of Additional Information **Registration Date:** 13-Sep-2023

Correspondence Name and Address: Armstrong Fenton Associates Unit 13, The Seapoint Building, 44/45, Clontarf Road, Dublin 3

Proposed Development: Demolition of an existing two storey detached dwelling (162sq.m) and associated out-buildings on site and the construction of 7 two storey (plus dormer level); 5 bedroom houses comprised of 3 detached houses and 4 semi-detached houses on a site area of c. 0.3ha; all associated site development works, car parking, open spaces and landscaping etc; proposed access to the development will be via the existing vehicular entrance on the Lucan-Newlands Road / Esker Hill.

Location: Clonbrone, Lucan Newlands Road, Esker Hill, Lucan, Co. Dublin, K78 Y5C2

Applicant Name: Nacul Developments Ltd

Application Type: Permission

Description of Site and Surroundings:

Site Area

Stated as 0.3 Hectares.

Site Description

The subject site is located to the south-east of Lucan village and approximately 30m to the south of the Lucan Road (R835). The site is accessed from the Lucan-Newlands Road (also known as 'Esker Hill') and currently contains a 2 No. storey detached dwelling known as 'Clonbrone' and associated outbuildings, with an approximate gross floor area of 162sqm.

The surrounding context is largely residential in nature with a detached dwelling known as 'Clonard' located to the west, two storey semi-detached properties known as 'Esker Lawns' located to the south and east, an area of open space is located to the north, which sits at an elevated position above the Lucan Road.

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Proposal:

Permission is sought for the following:

- Demolition of the existing two storey detached dwelling known as 'Clonbrone' and associated outbuildings.
- Construction of 7 No. two storey plus dormer level five-bedroom houses, comprised of 3 No. detached houses and 4 No. semi-detached houses each of which have an approximate gross floor area of 178.5sqm.
- All associated site works above and below ground, including but not limited to car parking, open spaces, drainage and water services infrastructure and landscaping.

Zoning:

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

Overlap is also indicated with the following Development Plan Map layers:

- Bird hazards.
- Conical Surface – Weston Airport.
- Conical Surface – Casement Aerodrome.
- Outer Horizontal Surface - Dublin Airport.

Lands directly abutting the northern boundary of the subject site are zoned 'OS' - '*To preserve and provide for open space and recreational amenities.*'

Consultations:

Drainage and Water Services Department: Additional Information required.

Irish Water: No objection, subject to conditions.

Roads Department: Additional Information required.

Parks and Public Realm Department: Refusal recommended.

Heritage Officer: No report received at time of writing.

Architectural Conservation Officer: No report received at time of writing.

HSE Environmental Health Officer: No objection, subject to conditions.

Transport Infrastructure Ireland: No objection.

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National Transport Agency: No report received at time of writing.

Department of Housing, Local Government & Heritage: No objection, subject to conditions.

SEA Sensitivity Screening

No overlap indicated with the relevant layers.

Submissions/Observations

A number of submissions have been received that have raised the following key concerns:

- Traffic Safety Hazard – Danger to pedestrians, cyclists, and motorists. ‘Esker Hill’ is already congested and at capacity.
- The quantum of car parking will result in overflow parking in surrounding areas such as the Esker Lawn residential development.
- The construction period would cause severe traffic congestion.
- There is an existing ‘Right of Way’ from St. Mary’s Church Lucan to Esker cemetery, which the proposed development would impede.
- The height of the proposed dwellings should not be greater than the height of the adjacent dwellings within Esker Lawn.
The proposal would result in overshadowing and overbearing of adjacent dwellings.
- The proposed development would have a negative impact on the wildlife and arboreal footprint of Esker Hill, which includes mature trees and an abundance of birds and animals.
- The proposed development of this Planning Application does not satisfactorily address the Reasons for Refusal of the previous application (SD21A/0026), particularly having regard to the proximity of proposed House No.7 to adjacent dwellings within Esker Lawn.
- The Site Layout drawings do not accurately reflect the existing layout of adjoining dwellings, particularly the ground floor extension to No. 31 Esker Lawns.
- The cumulative impact of the proposed development and the 2 No. houses have been constructed beside the entrance to the subject site but are not shown on the drawing submitted by the Applicant.

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In addition, a number of Representations were received from Elected Members which included the following key points:

- Congested site layout leading to an overbearing impact.
- Daylight, Sunlight and Shadow impacts to adjacent dwellings within Esker Lawns.
- The proposed development is not in keeping with the existing pattern, scale, and development of the surrounding area.
- Although not a Protected Structure, the Development Plan supports the retention of dwellings such as the existing house on the subject site, which contribute to the historic character, local character, visual setting, rural amenity, or streetscape value within the County.
- Traffic safety hazard to pedestrians, cyclists, and motorists.
- The proposed development gives no consideration to the adjacent Part 8 Application.
- Concerns regarding the accessibility of the proposed site layout for refuse vehicles.
- There may be archaeological remains underground on the site of the proposed development.
- Concerns regarding the impact on the existing arboreal footprint of the subject site and the ecological impact.

The points raised in the third-party submissions and representations from Elected Members have been taken into account in the assessment of the proposed development outlined in this Report.

Recent Relevant Planning History

Application Site

SD21A/0026

Demolition of an existing storey detached dwelling (162sq.m) and associated out-buildings on site, and the construction of 8 2-storey (plus dormer level), 5-bedroom, detached houses, on a site area of 0.3ha. The proposed development also provides for all associated site development works, car parking, open spaces, and landscaping. Proposed access to the development will be via the existing vehicular entrance gate on the Lucan-Newlands Road/Esker Hill at a site known as 'Clonbrone' on Lucan Newlands Road/ Esker Hill, Lucan.

SDCC Decision: Refuse Permission.

Further detail in relation to the Reasons for Refusal regarding SD21A/0026 and whether the proposed development of this Planning Application has addressed the previous Reasons for Refusal is outlined in the Assessment Section of this Report.

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Part 8 Application

SD228/009

A proposed Grand Canal to Lucan Urban Greenway comprised of:

- Construction of 4.2 km of shared pathways pedestrian and cycle facilities within parklands and quiet streets and traffic calming measures on vehicle carriageway from Grand Canal to Lucan Village.
- Construction of 4.29km school connections with improved footpaths, cycle facilities, and school zones.
- Junction amendments to provide safer movement of pedestrians and cyclists.
- Associated services.
- Landscaping and Public Realm works.

Adjacent Sites

SD17A/0241 – No. 17 Esker Lawns, Lucan, Co. Dublin

Demolition of an existing side extension to the west and rear shed to the north of the existing house, the construction of 2 new 2 storey, semi-detached 3-bedroom houses to the west of the site, along with proposed parking for proposed houses no's 1 & 2 and revised parking for existing No. 17 Esker Lawns, with associated site works and new boundary walls.

SDCC Decision: Grant Permission, subject to conditions.

The decision of South Dublin County Council was subject to a Third-Party Appeal to An Bord Pleanála (ABP Ref. PL06S.239325).

ABP Decision: Grant Permission, subject to conditions.

SD15B/0195 – No. 26 Esker Lawns, Lucan, Co. Dublin

Demolition of existing glass porch and construction of new single storey porch to front of house.

SDCC Decision: Grant Permission, subject to conditions.

SD15B/0188 – No. 31 Esker Lawns, Lucan, Co. Dublin

Extension and renovation of a semi-detached two storey house, including internal renovations, improvements to the front elevation including the adjustment of the existing porch structure, the conversion of the attic space to a study room including the provision of a new dormer window to the side hip of the main roof and attic, the provision of 2 new 'Velux' rooflights to the rear pitch of the main roof and attic, the construction of a new single storey extension to the rear of the property and all ancillary drainage and landscaping works.

SDCC Decision: Grant Permission, subject to conditions.

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SD08B/0156 / ABP. Ref: PL06S.23.0060 – ‘Clonard’, Lucan Newlands Road / Esker Hill, Lucan, Co. Dublin

Permission and retention permission sought for the erection of a palisade fence, some 30 metres long and 2-metres high along the western boundary line and also retention of the existing 2-metres high palisade fence which extends some 35 metres along the northern and western boundary lines.

SDCC Decision: Grant Permission and Retention Permission, subject to conditions.

The decision was subject to a Third-Party Appeal to An Bord Pleanála (ABP Ref. PL06S.23.0060).

ABP Decision: Grant Permission, subject to conditions.

SD07B/0072 – No. 30 Esker Lawns, Lucan, Co. Dublin
Single storey extension to side and rear of existing house

SDCC Decision: Grant Permission, subject to conditions.

SD06B/0244 / ABP. Ref: PL06S.218455 – ‘Clonard’, Lucan Newlands Road / Esker Hill, Lucan, Co. Dublin

Permission and Retention Permission sought for new recessed entrance and revised front boundary treatment: a revised curtilage, as compared with site description in planning Reg. Ref. SD05A/0327, to include land within our ownership; complete construction of garden shed and retain work completed to shed at rear of house.

SDCC Decision: Grant Permission and Retention Permission, subject to conditions.

The decision was subject to a Third-Party Appeal to An Bord Pleanála (ABP Ref. PL06S.218455)

ABP Decision: Grant Permission, subject to conditions.

SD06A/0745 / ABP. Ref: PL06S.222829 - ‘Clonard’, Lucan Newlands Road / Esker Hill, Lucan, Co. Dublin

Retention Permission sought for 1 no. 2-storey, 4-bed, dwelling house. With a ridge height of 9.2 metres, for use as a family home: as per details of Planning File Ref: SD05A/0327 but with additional floor space of some 15 sq. metres and 2 no. Velux roof lights to sides of roof, as constructed with all main services.

SDCC Decision: Grant Retention Permission, subject to conditions.

The decision was subject to a Third-Party Appeal to An Bord Pleanála (ABP Ref. PL06S.222829)

ABP Decision: Grant Permission, subject to conditions.

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Pre-Planning Consultation

PP104/21

A Pre-Planning Consultation Meeting was held on 11th October 2021. The following were the key points discussed:

- The subject site is zoned objective 'RES' – *'to protect and/or improve residential amenity.'*
- HCL8 SLO 1 pertains to the subject site and surrounding area: *'To seek to develop the area at the top of Esker Hill as a viewing location for views over Lucan Village and the Liffey Valley'*.
- One of the key parts of the assessment is overcoming the previous reasons for refusal.
- House No. 8 has been moved away from the eastern boundary; this is welcomed. The site has expanded into the existing dwelling's property to the north-west. The Applicant should demonstrate that the existing house has sufficient rear amenity space.
- House No. 7 separation distance from the houses on Esker Lawns has increased slightly with no habitable rooms overlooking or use of obscure glass, which is welcomed. More detail on levels and contours is required across the site and particularly at this location. Depending on the site levels/contours to lessen visual impact might reduce height of this house.
- Private amenity space – CDP 70 sq.m required. In application identify what area is included in the calculations.
- 2m boundary fence along northern boundary and garden to No. 8 would be a concern.
- Redesign of No. 8 to better front the street, vehicular access to side fine from a planning point of view, boundary wall setback in line with house.
- Looks like the road has been designed as a homezone, which from a planning point of view is welcomed.
- Usability of public open space – cross section shows that it's sloping. Demonstrate how this is overlooked.
- The design of House No. 1 is of particular importance as it will be the first house and thus will be visually prominent.
- Visual impact to be addressed particularly as trees along southern boundary appear to be proposed for removal.
- Concerns in regard to protection of trees at north.
- Bat survey of site and existing buildings is required.

Relevant Policy in South Dublin County Council Development Plan 2022-2028

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

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

Policy NCBH19: Protected Structures

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NCBH11 Objective 3: To protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council's Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area.

NCBH11 Objective 4: To protect the hedgerows of the County, acknowledging their role as wildlife habitats, biodiversity corridors, links within the County's green infrastructure network, their visual amenity and landscape character value and their significance as demarcations of historic field patterns and townland boundaries.

Policy GII: Overarching

GII Objective 1: To establish a coherent, integrated, and evolving GI Network across South Dublin County with parks, open spaces, hedgerows, trees including public street trees and native mini woodlands (Miyawaki-Style), grasslands, protected areas and rivers and streams and other green and blue assets forming strategic links and to integrate and incorporate the objectives of the GI Strategy throughout all relevant land use plans and development in the County.

GII Objective 3: To facilitate the development and enhancement of sensitive access to and connectivity between areas of interest for residents, wildlife and biodiversity, and other distinctive landscapes as focal features for linkages between natural, semi natural, and formalised green spaces where feasible and ensuring that there is no adverse impact (directly, indirectly, or cumulatively) on the conservation objectives of Natura 2000 sites and protected habitats outside of Natura 2000 sites.

GII 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.

GII Objective 7: To develop linked corridors of small urban 'Miyawaki' native mini woodlands, a minimum of 100 sq.m in size, to capture carbon and encourage biodiversity in suitable existing built-up areas, in low grade parkland, and other areas of zoned lands where deemed suitable and appropriate.

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GII Objective 8: To increase over the lifetime of this plan the percentage of land in the County, including residential, managed for biodiversity including supporting the delivery of the objectives of the County Pollinator Plan and to continue to investigate the potential for the use of low-mow methods during the lifetime of the Plan.

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 QDP1: Successful and Sustainable Neighbourhoods

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

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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 3:

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

Policy H14: Residential Extensions

H14 Objective 1:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

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Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy COS5: Parks and Public Open Space – Overarching

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

12.4.1 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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Relevant Government Guidelines

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

Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. Department of Housing, Planning and Local Government (2018).

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)

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 the following:

- Zoning and Council Policy
- Previous Reasons for Refusal
- Density
- Unit Mix
- Residential Amenity
- Visual Amenity
- Vehicular Access and Car Parking
- Drainage and Water Services
- Parks and Public Realm
- Ecology and Bats
- Architectural Heritage

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- Archaeology
- Part V Social Housing
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

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 subject to its accordance with the relevant provisions of the County Development Plan.

The subject site is located in close proximity to NCBH15 SLO-3 which states that it is a Specific Local Objective to:

'To seek to develop the area at the top of Esker Hill as a viewing location for views over Lucan Village and the Liffey Valley'.

Whilst it is acknowledged that the applicant's redline boundary does not appear to include the area of open space or the area that is subject to NCBH15 SLO-3, owing to the proximity of the subject site to 'OS' zoned lands and NCBH15 SLO-3, it is incumbent on the Applicant to demonstrate that the proposed development will not adversely impact the delivery of the local objective and the visual amenity of the 'OS' lands.

The proposed Site Layout appears to include a future potential link between the application site and the area of open space to the north. Whilst it is understood that the land to the north and west zoned 'OS' is within private ownership and thus not publicly accessible at present, the provision of a potential future link to this land is welcomed as it could potentially facilitate access to these lands in the future should NCBH15 SLO03 be ultimately achieved.

Previous Reasons for Refusal

As previously outlined in the Planning History Section of this Report, Permission was Refused under SD21A/0026 for proposed development comprised of the demolition of the existing dwelling and associated out-buildings and the construction of 8 No. two storey (plus dormer level) five-bedroom houses. The 8 No. Reasons for Refusal are outlined below, with a summary of the Applicant's response to each and an assessment as to whether or not the reason has been successfully overcome:

Reason No. 1:

'The proposed new dwellings, and in particular houses 7 and 8, by reason of their excessive height and the proximity to neighbouring residential properties and their private amenity space, would appear overbearing, result in a significant and material loss of light and overshadowing, and create an unacceptable sense of enclosure. In addition to this, the proposal would also result

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in a poor quality and quantity of accommodation for prospective residents, by means of the cramped layout, poor open space and private amenity space, poor outlook, and unacceptable sense of enclosure.

Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area'.

Applicant's Response

The proposed Site Layout omits House No. 8 and the separation distance from House No. 7 to adjacent dwellings within Esker Lawns has been increased to provide approximately 18.6m from the side gable to the rear elevation of the nearest dwelling. The revised Site Layout of this Planning Application results in the provision of approximately 319 sq.m of Public Open Space (approximately 10.2%) and Private Amenity Space for each of the 7 No. proposed dwellings ranging from 73.4sqm to 212sqm.

Assessment

Whilst the proposed revisions appear to present an improved layout which lessens the impact on adjacent properties and quantitatively achieves the open space requirements, a more detailed assessment of the proposed Site Layout, Public Open Space and Private Amenity space is outlined further throughout this Report.

Reason No. 2:

'Given the topography of the site, the proposed siting of the dwellings in a visually prominent location adjacent to the area of open space on top of the hill overlooking the Lucan Road and the lack of information submitted in relation to site levels, the planning authority is not satisfied on the basis of the information submitted that the proposal would have an acceptable visual impact on the site and surrounding area. In addition to this the proposal as designed would lead to a cramped and poor layout in the context of the site and surrounding area. The proposal is therefore considered to be contrary to policies H11 and H16 of the South Dublin County Development Plan 2016-2022, and the proper planning and sustainable development of the area'.

Applicant's Response

The wooded area to the north of the subject site, which is zoned 'OS', is within private ownership and is therefore not accessible to the public. The Application is accompanied by Verified Views prepared by 3D Design Bureau to demonstrate that the proposed development will not have a visual impact on the surrounding area.

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Assessment

A detailed assessment of the proposed development is outlined in the 'Visual Amenity' Section of this Report.

Reason No. 3:

'Having regard to the lack of information submitted in relation to the proposed vehicular access for the site including the ability of vehicles, emergency vehicles, and refuse vehicles to safely manoeuvre within and access and egress the site, as well as the lack of a road safety audit and the permeability of the site, it is considered that the applicant has not demonstrated that the proposal would not generate a traffic hazard or endanger public safety. The proposal would therefore be contrary to the proper planning and sustainable development of the area'.

Applicant's Response

The Applicant has submitted a Road Safety Audit and AutoTRAK analysis of the proposed vehicular entrance.

Assessment

Whilst the Applicant has submitted sufficient information to address Reason No. 3, as outlined in the 'Vehicular Access and Car Parking' Section of this Report, Additional Information in the form of a revised Site Layout to accommodate the proposed Grand Canal to Lucan Urban Greenway scheme and the relocation of signage and a utility box is needed.

Reason No. 4:

'Having regard to the lack of information submitted in relation to water, foul water and surface water, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is not in the interests of the proper planning and sustainable development of the area'.

Applicant's Response

The Applicant has provided an Engineering Report and accompanying drawings prepared by Downes & Associates Consulting Engineers.

Assessment

Whilst the Applicant has provided information in relation to the services and infrastructure design for the proposed development, as outlined in the 'Drainage and Water Services' Section of this Report, Additional Information is required to facilitate a complete assessment.

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Reason No. 5:

'Having regard to the lack of information submitted in relation to existing trees, hedges and vegetation within the site and their protection, including the removal of all trees within the site to facilitate the proposal without adequate replacement, the lack of a survey in relation to an existing hedgerow, and the impact on a category A1 tree, it is considered that on the basis of the information submitted that the proposal would have a detrimental impact on biodiversity within the site contrary to policy HCL15 of the South Dublin County Council Development Plan (2016-2022), would result in a poor-quality landscape and environment, and would therefore be contrary to the proper planning and sustainable development of the area.'

Applicant's Response

A revised Arboricultural Assessment has been provided by the Applicant, along with updated Landscape drawings.

Assessment

The Arboricultural Assessment appears to identify 31 No. trees, 2 No. hedgerows and 1 No. scrub area existing on the subject site.

The proposed development would result in the removal of 25 No. trees, 1 No. full hedge, approximately 7m of the second hedge, with a further 2 No. trees recommended for removal.

As outline in the 'Parks and Public Realm' Section of this Report, *it is considered that the proposed development of this Planning Application makes limited effort to integrate the existing trees into the development. The proposed planting is insufficient to mitigate this loss and there are no street trees.* Whilst the Parks and Public Realm Department have recommended a Refusal on this basis and for other reasons, it is considered that the Applicant should be afforded an opportunity to revise the design of the proposed development to lessen the impact to the arboreal footprint of the subject site.

Reason No. 6:

'Having regard to the lack of information submitted in relation to ecology and biodiversity and the potential for the site and surrounding area to support wildlife, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to biodiversity. The proposal is therefore considered to be contrary to policy HCL15 of the South Dublin County Development Plan (2016-2022), which seeks to ensure that species and habitats are protected, and the proper planning and sustainable development of the area.'

Applicant's Response

An Appropriate Assessment Screening Report and Ecological Impact Assessment (including Bat Survey) have been provided with this Planning Application.

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Assessment

As outlined in the 'Ecology and Bat' and 'Appropriate Assessment' Sections of this Report, the assessments appear to provide a suitable assessment of the proposed development and the suggested mitigation measures can be secured by way of Condition should the Planning Authority be minded to Grant Permission.

Reason No. 7:

'Having regard to the lack of information submitted in relation to archaeology and geology and the potential for the site and surrounding area to support archaeological heritage and geology, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to archaeological or geological heritage. The proposal is therefore considered to be contrary to policy HCL2 and HCL19 of the South Dublin County Development Plan (2016-2022), and the proper planning and sustainable development of the area'.

Applicant's Response

The Applicant has provided an Archaeological and Geological Heritage Impact Assessment of the subject site. The Assessment identifies the presence of a French Buhr segmented Millstone in the garden space immediately to the northwest of the existing dwelling.

Assessment

As outlined in the Archaeology Section of this Report, should the Planning Authority be minded to Grant Permission for the proposed development, appropriate conservation measures can be secured by way of Condition.

Reason No. 8:

'The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area'.

Applicant's Response

The Applicant contends that Reason No. 8 is a 'generic / catch all' reason and that the plans and particulars accompanying the Application will confirm the merits of the proposed development.

Assessment

The Applicant's Response is noted. A detailed assessment of the proposed development is outlined throughout this Report.

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Density

The proposed development of 7 No. dwellings within a site of 0.3ha would provide a density of 23 No. units per hectare.

In terms of the site context, the application site forms part of a plot of land with a detached dwelling, that is located just outside a village centre, and adjacent to a suburban residential area, which would generally be categorised as 'inner suburban/infill' in the *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)*. The guidelines state that 'In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill'. Therefore, whilst the proposed density of 23 units per hectare is within the range of 20-35 units per hectare normally appropriate for edge of centre sites as per the guidelines, density alone is not the only deciding factor. Consideration is required to be given to the potential impact on the surrounding area including the existing residential properties, and the quality and quantity of the environment that would be created for prospective residents. Taking this into account there are concerns with the layout proposed, which will be discussed further under residential amenity, that are directly linked to the density proposed.

Unit Mix

Section 12.6.1 of the County Development Plan states that on smaller infill sites, the mix of dwellings should contribute to the overall dwelling mix in the locality. The proposal would provide 7 No. five bedroom units which would generally be considered as an acceptable unit mix, subject to the other relevant planning considerations which are further detailed throughout this Report.

Residential Amenity

Residential properties are located to the west, in the form of a detached dwelling known as 'Clonard', and to the south and east of the site, in the form of two storey, semi-detached properties known as 'Esker Lawns', whose gardens adjoin the southern and eastern boundaries of the application site.

It is noted that the proposed Site Layout has been re-designed to increase the separation distance to adjacent properties to the east within Esker Lawns. Houses No. 7 has an approximate separation distance of 18.6m to the nearest dwelling at No. 31 Esker Lawn. Although the majority of the separation distance relies on the rear garden depth of the dwellings within Esker Lawns, with the side elevation of House No. 7 located approximately 5m from the adjoining boundary, the separation distance is largely acceptable for an infill house.

Some modification of the siting of the footprint of House No.7 to bring it onto the boundary with house No. 6 would improve the relationship further and this amendment is requested by way of

ADDITIONAL INFORMATION.

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In relation to sunlight and daylight to existing dwellings, the Planning Authority does not consider the proposals present serious concerns.

In amending the proposed Site Layout, the Applicant should ensure that all Site Layout drawings accurately reflect the existing receiving context of the subject site, including any extensions to adjacent dwellings. Furthermore, the Applicant should submit a revised Sunlight, Daylight and Shadow Analysis Report which provides an accurate assessment of the existing receiving context.

Standard of accommodation

The proposed dwellings would exceed minimum internal standards for five bed dwellings as outlined in Table 3.20 of the South Dublin County Development Plan 2022-2028.

Each of the proposed 7 No. dwellings includes private amenity space in the form rear garden areas ranging from 73.4sqm to 212sqm, which would exceed the minimum space standards as per Table 3.20 of the Development Plan. It is noted that while the proposed rear gardens would meet the minimum standards, the proposed depth is shallow and may not facilitate rear extension in the future. It is therefore considered reasonable to impose a **Condition**, should the application be approved, restricting exempted development rights.

The applicant has proposed one main area of public open space in the northeastern corner of the subject site, with an approximate area of 319sqm which complies with the minimum 10% of the site area as outlined in Table 12.22 of the Development Plan. As outlined in the Parks and Public Realm Section of this Report, a concern arises in relation to the incidental triangular shaped area of open space adjacent to the entrance to the proposed development. However, it is noted that this space does not appear to be included in the Public Open Space calculation. Furthermore, in re-designing the proposed Site Layout to address the potential impact on the Grand Canal to Lucan Urban Greenway scheme, it is likely that this space will be re-configured.

In re-designing the Site Layout, the Applicant should have regard to the proposed design, layout, and landscaping of the entrance to the scheme, ensuring a balance is struck between traffic and pedestrian safety, not adversely impacting the Grand Canal to Lucan Urban Greenway scheme, and creating a high-quality landscaped landmark entrance to the proposed development.

Visual Amenity

In terms of overall design, the detached dwellings would consist of full gabled roofs with front dormer windows and would appear modern which visually, would normally be considered acceptable given the variety of dwellings in the area. The proposed dwellings would have an approximate ridge height ranging from 9.1m to 9.6m.

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In assessing the potential visual impact of the proposed dwellings, consideration should be given to the levels of the subject site and surrounding context. The subject site is located at the top of a hill, according to the Applicant the subject site has a level of approximately 48m OD. The proposed dwelling would therefore site at a level of approximately 57m OD. Whilst the Applicant has provided a booklet of Verified Views, no detailed Landscape Visual Impact Assessment has been provided. Furthermore, no detailed contiguous elevations of the proposed development in the context of adjacent dwellings have been provided. In this regard, the Applicant should be requested by way of **ADDITIONAL INFORMATION** to provide a Landscape Visual Impact Assessment of the proposed development, to be carried out by an appropriately qualified consultant and contiguous elevations of the proposed development to facilitate a complete assessment of the potential visual impact of the proposal.

Vehicular Access and Car Parking

The Roads Department have assessed the proposed development, with their Report indicating that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

- The Applicant shall submit a revised layout of not less than 1:200 scale, showing:
 - a. The proposed access junction layout in relation to the proposed Grand Canal to Lucan Urban Greenway scheme.
 - b. The speed limit sign relocated away from the access point so as not to create a traffic hazard.
 - c. The removal/relocation of the telecom utility box and pole away from the access to a suitable location.
- The Applicant shall submit a revised Road Safety Audit which takes the proposed Grand Canal to Lucan Urban Greenway scheme into account.

Prior to providing the above outlined Additional Information, it is recommended that the Applicant liaise with the Roads Department to ensure an appropriate design response to the interaction between the vehicular access point of the proposed development and the proposed Grand Canal to Lucan Urban Greenway scheme.

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Drainage and Water Services

The Drainage and Water Services Department have provided a Report in relation to the proposed development, which indicates that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

- The proposed attenuation provided of 30m³ is undersized by approximately 75%. The applicant is required to submit a revised drawing and report showing additional surface water attenuation provided by means of SuDS systems (Sustainable Drainage Systems). SuDS features could include but are not limited to Permeable paving and Other such SuDS.
- The use of concrete attenuation tanks is not accepted by SDCC (South Dublin County Council) Drainage section. The applicant is required to submit a drawing and report providing alternative means of attenuating surface water through the use of an arched type attenuation system or equivalent.

Irish Water have provided a Report in relation to the proposed development, which indicates no objection, subject to **CONDITIONS**.

Parks and Public Realm

The Parks and Public Realm Department has assessed the application and have raised significant concerns, with a recommendation of **REFUSAL**. Comments are provided below:

*'The Public Realm section has reviewed the application and recommend **REFUSAL** due to concerns with the landscape scheme for the proposed development. We consider that:*

- **Impact on existing trees, hedgerows, and biodiversity**
Most of the existing trees including all of the hedges (2 No.) and a category B Beech tree on the development site are proposed for removal to facilitate the development. There is limited effort to integrate the existing trees into the development. The proposed planting is insufficient to mitigate this loss. There are no street trees.
- **Does not comply with SDCC Green Infrastructure Strategy**
Green Infrastructure has not been properly addressed. There is no Green Infrastructure Plan. The site lies within a Primary Green Infrastructure Corridor (No. 4 Liffey Valley River Corridor) and on the edge of a Core Area, as defined the SDCC County Development Plan 2022-2028. A GI Strategy has not been provided showing GI on site and the local context.

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- **Green Space Factor not correctly applied.**

The Green Space factor has not been applied correctly. For example, the arborists report shows one tree being protected whose canopy lies partly within the site, yet a proposed surface area of 695m² is shown for preserved trees. We believe if applied correctly the Green Space Factor would fail.

- **Does not comply with SDCC SuDS Guidelines and Sustainable Water Management Policy**

The proposed system is not SuDS compliant. The proposals are dominated by hard surfaces. There are limited proposals to use the landscape to manage surface water run-off. The amenity and biodiversity value in the proposed drainage scheme has not been demonstrated. SDCC do not approve of underground tanks where the full potential of nature-based solutions to manage surface water runoff has not been investigated.

- **Insufficient public open space**

The triangular grassed area at the entrance to the development is incidental space and cannot be included in the public open space calculation.

Opportunities to connect the open space into the adjoining open space and the wider area such as a connection to the existing path onto the Lucan/Newlands Road have not been investigated or presented'.

Having regard to the Report of the Parks and Public Realm Department, it is considered that there is a significant lack of information provided by the Applicant or consideration of the site context in terms of public realm, open space, green infrastructure, and ecology. However, it is considered that the Applicant should be afforded an opportunity to address the concerns of the Parks and Public Realm Department by way of **ADDITIONAL INFORMATION**.

Green Infrastructure

The subject site is located within the Liffey Valley River Primary Green Infrastructure Corridor as identified on Figure 4.4: Green Infrastructure Strategy Map in the South Dublin County Development Plan 2022-2028.

Policy GI2 of the Development Plan requires the strengthening of the Green Infrastructure (GI) network and to ensure all development contribute towards GI network. GI4 of the County Development Plan requires the provision of Sustainable Drainage Systems (SuDS) in the County and the maximisation of the amenity and biodiversity value of these systems.

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The Applicant should be requested by way of **ADDITIONAL INFORMATION** to provide a Green Infrastructure Plan, which may consist of a simple landscape plan that 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. Whilst it is acknowledged that the Applicant has provided Landscape Plan and a SuDS Plan, no coordinated Green Infrastructure Plan appears to have been provided. As such, the Applicant should be requested to provide a Green Infrastructure Plan which is coordinated with the Landscape Plan and Sustainable Urban Drainage Systems Plan for the subject site and demonstrating the protection of existing Green Infrastructure, enhancement of the GI Network through the provision of new Green Infrastructure and provision of connections to the local and primary GI corridors.

GI5 Objective 4 of the Development Plan outlines the following objective:

'To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq.m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).'

The Applicant has provided a Green Space Factor Form which indicates a Final GI Score of 0.547. However, as indicated in the Report of the Parks and Public Realm Department a concern arises in relation to the calculation method utilised to achieve this score. In particular it is noted that the arborists report shows one tree being protected whose canopy lies partly within the site, yet a proposed surface area of 695m² is shown for preserved trees. In this regard, the Applicant should be requested to provide **ADDITIONAL INFORMATION** in the form of a revised Green Space Factor worksheet which provides an accurate calculation of the greening factors on the subject site.

Ecology and Bats

The Applicant has provided an Ecological Impact Assessment carried out by Enviroguide Consulting. The Assessment includes botanical, small mammal, and breeding bird surveys, which were flagged as missing from the previous Application (SD21A/0026). The Ecological Impact Assessment appears to suitably assess the potential impacts of the proposed development and suggests appropriate mitigation measures. Should the Planning Authority ultimately be minded to Grant Permission for the proposed development, the mitigation measures can be secured by way of **CONDITION** requiring their implementation prior to the commencement of development.

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A Bat Survey and Report prepared by Bat Eco Services is also included with the Application. The survey was undertaken in July and included daytime inspections, assessment of trees, night-time detectors, and passive static detectors. It seems 5 No. species were recorded, commuting to the site from a southerly direction and foraging along the boundary habitats and wooded area adjacent to the site. A roost was identified in the attic space of the existing dwelling, which is proposed for demolition. Mitigation measures are proposed in relation to lighting design, landscaping, re-surveying of PBR trees prior to felling, bat boxes and monitoring. Should the Planning Authority ultimately be minded to Grant Permission for the proposed development, the mitigation measures can be secured by way of **CONDITION** requiring their implementation prior to the commencement of development.

Architectural Heritage

The proposed development includes the demolition of the existing two storey detached dwelling known as 'Clonbrone' and associated outbuildings.

The Application documents state that the existing dwelling is of little or no architectural merit, yet there is no detailed explanation of this contention. The Applicant does not appear to have considered the impacts of the loss of an historic building which is unique in this location, nor does it appear that consideration has been given to the environmental impacts of demolition, embodied carbon and whole life cycle. Whilst it is acknowledged that the existing dwelling is not a Protected Structure and does not appear on the NIAH, it is an attractive 20th century house type with timber multi-pane windows and front door arrangement with side windows.

The Architectural Conservation Officer has indicated that the Application is deficient in the following information:

- An Architectural Impact Assessment and historic appraisal of the existing building to include a full photographic record in order that a full and proper assessment can be carried out in relation to the architectural merits of the existing house (Clonbrone House).
- Retention and adaptive re-use are supported by policies within the County Development Plan rather than the proposed demolition and additional dwellings can also be delivered on site. No evidence of consideration of the retention and adaptive re-use of the existing dwelling. The Applicant should be advised of the relevant policies in the CDP with regard to Climate Change and under Architectural Conservation Section those policies in relation to climate change and reuse and retention of older buildings oppose to demolition.

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It is noted that the principle of demolition the existing structure was accepted in the preceding application and that national and local policy on the built heritage has remained largely unchanged in the interim. It is further noted that the existing structure is not a protected structure and that the proposals represent a more efficient use of the site in terms of the delivery of dwellings. As such additional information is not sought on this matter.

Archaeology

The Applicant has submitted an Archaeological and Geological Heritage Impact Assessment prepared by Archaeology Plan Heritage Solutions.

The Department of Housing, Local Government & Heritage have assessed the proposed development, with their Report noting and agreeing with the recommendations of the Archaeological and Geological Heritage Impact Assessment. Having regard to the presence of a French Buhr segmented Millstone in the garden space immediately to the northwest of the existing dwelling and NCBH1 Objective 1 of the South Dublin County Development Plan 2022-2028, the Department of Housing, Local Government & Heritage have indicated no objection to the proposed development, subject to the following **CONDITIONS**:

- i) A Conservation Management Plan for the mill stone / sundial shall be prepared, following consultation with this Department, and submitted to the planning authority for their written agreement prior to commencement of development.*
- ii) The plan shall provide for the long-term maintenance and management of the mill stone / sundial to ensure that conservation of the mill stone / sundial can be achieved and maintained. The plan shall be agreed in advance of the commencement of construction works to ensure that the management and coordination of all phases of construction works are consistent with the policies and procedures for the long-term protection and preservation of the mill stone / sundial.*

The plan shall incorporate a landscaping plan and/or stabilisation works programme, as appropriate, for the mill stone / sundial that is sympathetic to the mill stone / sundial.

- iii) Interpretative signage shall be installed at a relevant location. The design and content of this signage shall be prepared in consultation with this Department and should be approved by the planning authority. The final Conservation Management Plan, including details of implementation, shall be submitted to the planning authority and this Department.*

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features, or other objects of archaeological interest.

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Should the Planning Authority ultimately be minded to Grant Permission for the proposed development, it is considered appropriate that the above outlined **CONDITION** should be attached.

Part V Social Housing

The Planning Statement prepared by Armstrong Fenton Associates outlines the Applicant's intention to comply with their Part V requirements through the provision of 1 No. unit. Evidence of engagement with the Housing Department of South Dublin County Council has also been provided by the Applicant.

In the event of a Grant of Permission, it is considered appropriate to attach a **CONDITION** requiring the agreement of Part V provisions prior to the commencement of development on site.

Screening for Appropriate Assessment

The applicant has submitted a screening report prepared by Enviroguide Consulting in support of the application. The report has identified SPAs and SACs within 15km of the application site. The report concludes that, based upon the scientific knowledge available, the possibility of any significant effects on any European Sites can be excluded, whether arising from the proposed development itself or in combination with other plans and projects.

Having regard to the findings of the report, the scale and nature of the development, connection to public services and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 Appropriate Assessment is not required.

Screening for Environmental Impact Assessment

Having regard to the nature and scale of the proposed 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.

Conclusion

While the principle of the proposed development is acceptable, concerns arise in relation to the design and layout of the proposal having particular regard to the potential to have an overbearing and overshadowing impact on adjacent properties and the relationship between the proposed vehicular entrance and the Grand Canal to Lucan Urban Greenway. Furthermore, the Applicant has not sufficiently justified the demolition of the existing dwelling, failing to adequately demonstrate whether considerations was given to the retention and adaptative re-use in line with the clear policy narrative of the County Development Plan.

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Additional Information is also required in relation to drainage and water services infrastructure, green infrastructure, and green space factor of the proposed development.

Recommendation

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

1. The Applicant is requested to provide revised Site Layout, Plan, Sectional, Elevational and Contiguous Elevational drawings of the proposed development, which demonstrate the following revisions:
 - (i) Re-site proposed House no. 7 to increase the separation distance between these dwelling and existing houses to the east.
 - (ii) Provide revised Site Layout drawings which accurately reflect the existing receiving context of the subject site to include any extensions to adjacent dwellings.
 - (iii) Re-design the proposed vehicular access junction layout, having regard to the proposed Grand Canal to Lucan Urban Greenway scheme. In re-designing the proposed vehicular access, the Applicant should liaise with the Roads Department of South Dublin County Council.
 - (iv) Having regard to the potential impact of the proposed development on the arboreal footprint of the subject site, it is considered that the proposed planting is insufficient to mitigate the loss, for example there are no street trees. In this regard, the proposed Site Layout and Landscape Plan should be revised to make every effort to retain existing trees and incorporate planting to mitigate the loss of existing trees.

NOTE: Any revisions applied to the design and layout of the proposed development should be reflected in the Applicant's response to all other Additional Information items.

2.
 - (i) The Applicant shall submit a revised layout of not less than 1:200 scale, showing:
 - The proposed access junction layout in relation to the proposed Grand Canal to Lucan Urban Greenway scheme.
 - The speed limit sign relocated away from the access point so as not to create a traffic hazard.
 - The removal/relocation of the telecom utility box and pole away from the access to a suitable location.
 - (ii) The Applicant shall submit a revised Road Safety Audit which takes account of the revisions to the proposed Site Layout.

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3. Provide the following to facilitate a complete assessment of the potential visual impact of the proposed development:
 - (i) Provide a Landscape Visual Impact Assessment of the proposed development, to be carried out by an appropriately qualified consultant.
 - (ii) Provide contiguous elevations of the proposed development to include adjacent dwellings.
4.
 - (i) The proposed attenuation provided of 30m³ is undersized by approximately 75%. The applicant is required to submit a revised drawing and report showing additional surface water attenuation provided by means of SuDS systems (Sustainable Drainage Systems). SuDS features could include but are not limited to Permeable paving and Other such SuDS.
 - (ii) The use of concrete attenuation tanks is not accepted by SDCC (South Dublin County Council) Drainage section. The applicant is required to submit a drawing and report providing alternative means of attenuating surface water through the use of an arched type attenuation system or equivalent.
5.
 - (i) Provide a Green Infrastructure Plan (to be coordinated with the proposed Landscape Plan and SuDS Plan) that 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.
 - (ii) A query arises in relation to the calculation method for the Green Space Factor Worksheet provided by the Applicant, in particular it is noted that the arborists report shows one tree being protected whose canopy lies partly within the site, yet a proposed surface area of 695m² is shown for preserved trees. The Applicant is therefore requested to provide a revised Green Space Factor worksheet which provides an accurate calculation of the greening factors on the subject site.

Additional Information

Additional Information was requested on 7th December 2022.

Additional Information was received on 25th April 2023.

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

Submissions/Observations

No submissions / observations received.

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Consultations:

Drainage and Water Services Department: Clarification of Additional Information required.

Irish Water: No Report received at time of writing.

Roads Department: No objection, subject to conditions.

Parks and Public Realm Department: Refusal recommended.

Transport Infrastructure Ireland: No objection.

Assessment

The following Additional Information was received from the Applicant on 25th April 2023:

- Cover Letter prepared by Armstrong Fenton Associates dated 24th April 2023.
- Drawing No. 85675-RFI-004 – Site Layout Plan Proposed prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-010 – House 1 Plans prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-011 – House 1 Section and Elevations prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-012 – House 2 & 5 Plans prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-013 – House 2 & 5 Section and Elevations prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-014 – House 3 & 6 Plans prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-015 – House 3 & 6 Section & Elevations prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-016 – House 4 Plans prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-017 – House 7 Section & Elevations prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-018 – House 7 Plans prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-019 – House 7 Section & Elevations prepared by Crean Salley Architects.
- Drawing No. 85675-RFI-030 – Site Elevations prepared by Crean Salley Architects.
- Townscape Visual Impact Assessment prepared by Macroworks.
- Additional Information Landscape Report prepared by RMDA Landscape Architects & Consultants.
- Green Infrastructure Plan prepared by RMDA Landscape Architects & Consultants.
- Drawing No. 1(A1) – Landscape Plan prepared by RMDA Landscape Architects & Consultants.
- Letter from EIR Re: Relocation of Eircom Plan dated 7th March 2023.

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- Civil Engineer's Response to Request for Additional Information prepared by Downes Associates Consulting Structural & Civil Engineers.
- Drawing No. 5001 – Proposed Site Layout and Water Services prepared by Downes Associates Consulting Structural & Civil Engineers.
- Drawing No. 5004 – Proposed Swept Path Analysis Refuse Vehicle prepared by Downes Associates Consulting Structural & Civil Engineers.
- Drawing No. 5005 – Proposed Swept Path Analysis Fire Tender prepared by Downes Associates Consulting Structural & Civil Engineers.
- Drawing No. 5006 – Proposed Sightlines & Entrance Works prepared by Downes Associates Consulting Structural & Civil Engineers.
- Drawing No. 5007 – Proposed Signage and Road Markings prepared by Downes Associates Consulting Structural & Civil Engineers.
- Drawing No. 5008 – Attenuation Details prepared by Downes Associates Consulting Structural & Civil Engineers.
- Drawing No. 5009 – Proposed Site in Context of Future Planned Greenway prepared by Downes Associates Consulting Structural & Civil Engineers.

The Additional Information provided by the Applicant will be assessed below in the context of the 5 No. Additional Information Items requested by the Planning Authority on 7th December 2023:

Additional Information Item No. 1

The Applicant's Response to each part of Additional Information Item No. 1 is summarised below, along with an assessment of the response:

- (i) A revised Site Layout Plan has been provided which demonstrates the slight re-location of House No. 7 resulting in an increase in the separation distance by approximately 2m to the rear elevation of the existing dwellings to the east. Whilst this is generally considered a more acceptable separation distance, it is noted that the majority of the distance is reliant on the depth of the rear garden of the adjacent properties within Esker Lawn. Owing to the infill nature of the proposed development, this is considered acceptable in this instance. However, should the Planning Authority ultimately be minded to Grant Permission for the proposed development, a **CONDITION** should be attached restricting exempted development rights for any future modifications to the permitted dwellings, in the interests of protecting the visual and residential amenity of adjacent properties.
- (ii) The revised Site Layout Plan provided by the Applicant appears to demonstrate a more accurate reflection of the existing site context, including the various extensions to existing dwellings in the immediate surrounding area. As previously outlined, the proposed separation distances are considered acceptable in this instance having regard to the infill nature of the proposed development.

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- (iii) The Applicant has liaised directly with the Roads Department in relation to the design of the proposed vehicular access junction layout. It is noted that the revised drawings provided by the Applicant demonstrate that the proposed access junction will not have an adverse impact on the proposed Grand Canal to Lucan Urban Greenway scheme. The Report of the Roads Department confirms that the proposed vehicular access junction is considered acceptable.
- (iv) The Applicant has provided a revised Landscape Plan and Planting Plan which indicates the addition of 66 No. trees to replace the 21 No. trees it is proposed to remove. Whilst the proposed planting plan may appear to quantitatively address the impact of the proposed development on the arboreal footprint of the subject site, the Report of the Parks and Public Realm Department indicates that a number of concerns remain in relation to the proposed street trees not being in line with South Dublin County Council's standards and the characterisation of the proposed planting outlined by the Applicant.

Overall, it is considered that the Applicant's submission has not successfully addressed Additional Information Item No. 1 as concerns remain in relation to the proposed landscape design and planting plan for the subject scheme. In this regard, **CLARIFICATION OF ADDITIONAL INFORMATION** should be sought from the Applicant in the form of a revised Landscape Plan and Planting Plan which represents a more appropriate design and planting mix. Prior to submitting clarification of additional information, the Applicant is advised to engage with the Parks and Public Realm Department.

Additional Information Item No. 2

In response to Additional Information Item No. 2(i), the Applicant has provided Drawing No. 5009 – *Proposed Site in Context of Future Planned Greenway* prepared by Downes Associates Consulting Structural & Civil Engineers. The drawing demonstrates the relationship between the proposed development and the proposed Grand Canal to Lucan Urban Greenway scheme.

The remaining drawings prepared by Downes Associates Consulting Structural & Civil Engineers illustrate the road safety signage and markings for the proposed development and the removal and relocation of the telecommunications utility box and pole.

The Roads Department have assessed the Applicant's Response to Additional Information Item No. 2(i), with their Report noting the following:

'SDCC Roads Department is satisfied that the applicant's proposed entrance layout will not have any negative impact on the proposed Grand Canal to Lucan Urban Greenway scheme road upgrades.

SDCC Roads Department is satisfied with the applicant's revised site layout plans showing the relocated signage and utilities'.

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In response to Additional Information Item No. 2(ii) the Applicant has liaised directly with the Roads Department and have come to an agreement that a revised Road Safety Audit is not required, this agreement is reflected in the Report of the Roads Department which notes as follows:

'SDCC Roads Department is satisfied that a revised Road Safety Audit is not necessary as the entrance junction design is not being altered'.

Having regard to the information provided by the Applicant and the Report of the Roads Department, it is considered that Additional Information Item No. 2 has been successfully addressed.

Additional Information Item No. 3

In response to Additional Information Item No. 3(i), the Applicant has provided a Townscape and Visual Impact Assessment prepared by Macroworks which ultimately concludes that:

'The proposed development will not result in any significant townscape or visual impacts and is considered to be appropriate scale and design for the site'.

The findings of the Townscape and Visual Impact Assessment are generally considered to be acceptable; it is noted that no assessment is provided of the proposed development when viewed from the northeast of the subject site. However, having regard to the topography and dense tree cover to the northeast of the subject site, it is considered that the proposed development would not be highly visible from this orientation and as such, it is not necessary to provide a visual assessment.

In response to Additional Information Item No. 3(ii), the Applicant has provided Drawing No. 85675-RFI-030 – *Site Elevations* – prepared by Crean Salley Architects. It is noted that the elevations demonstrate that the height of the proposed dwellings sit approximately 1.2m above the ridge height of adjacent dwellings. Owing to the orientation of the dwellings within Esker Lawns to the south and east of the proposed dwellings, it is considered that there would not be a significant impact on the daylight and sunlight amenity of the adjacent dwellings.

It is noted that the proposed internal layout and associated fenestration pattern of the new dwellings includes bedrooms which have windows facing southwards towards the adjacent dwellings within Esker Lawns. Whilst this may present an opportunity for overlooking to adjacent properties, it is noted that separation distances of in excess of 22m have been provided.

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The following extract from Section 12.6.7 of the South Dublin County Development Plan 2022-2028 in relation to Separation Distances is of relevance:

'In this regard and as a benchmark for development, a minimum clearance distance of circa 22 metres, in general, is required between opposing windows, including in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy in line with the provisions of the Urban Design Manual as detailed above.'

Having regard to the above, the proposed separation distances between the existing dwellings within Esker Lawns and the first-floor level windows of the proposed dwellings is considered acceptable. However, having regard to the reliance on the depth of the rear gardens of adjacent existing dwellings to achieve appropriate separations distances, it is considered that should the Planning Authority be minded to Grant Permission for the proposed development, a **CONDITION** should be attached restricting exempted development rights for any future modifications to the permitted dwellings, in the interests of protecting the visual and residential amenity of adjacent properties.

It is therefore considered that Additional Information Item No. 3 has been successfully addressed.

Additional Information Item No. 4

In response to Additional Information Item No. 4, Drawing No. 5008 Attenuation Details prepared by Downes Associates Consulting Structural & Civil Engineers provides details of the proposed arch type attenuation system. It is noted that the Applicant contends that owing to their Stormwater Analysis, it is their opinion that the proposed attenuation is not undersized. The Attenuation Details Drawing demonstrate the provision of an arched type attenuation system.

The Drainage and Water Services Department have assessed the Applicant's Response, with their Report indicating the following **CLARIFICATION OF ADDITIONAL INFORMATION** is required:

- Submit a report showing site specific run-off rate and run-off volume calculations to clarify what water storage capacity is required to be attenuated to match the pre-developed greenfield run off rates on site. The report shall include the following:
 - i) The total area of site in km² or ha.
 - ii) Seasonally Adjusted Annual Rate (SAAR) in mm.
 - iii) Attenuation coefficients of soil.

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- iv) Qbar calculations and results in m^3/s or l/s .
 - v) Enlist the different type of areas (such as roofs, yard, grassed area, permeable pavement) and including their Impermeability Factor. SuDS such as the proposed swale or tree pits should not be included in the grassed area, as their attenuation volume is calculated separately.
 - vi) Provide calculation for the total impermeable area in km^2 or ha. 1.2
- Submit a report clearly showing the required and the provided volume of storm water attenuation, namely how surface water up to and including the 1:100 (1%) year critical storm with climate change allowance (20%) will be attenuated on site.
 - Should there be a requirement to provide additional surface water attenuation, the above ground attenuation (such as SuDS) is preferred opposed to underground attenuation. In this case submit a report and drawings in plan and cross-sectional view with the inclusion of additional SuDS for the proposed development such as but not limited to the following:
 - Permeable pavement (for example driveways and rear patios).
 - Planter boxes with overflow connection to a public surface water sewer.
 - Swales and rill channels.
 - Grasscrete.
 - Green roofs and water butts.
 - Raingarden with overflow connection.
 - Bioretention rain gardens.
 - Water butts are additional features for SuDS, but they are not considered as main features.
 - Submit rainwater storage capacity in m^3 for all proposed SuDS.

Prior to responding to the request for Clarification of Additional Information, the Applicant is advised to liaise directly with the Drainage and Water Services Department.

Additional Information Item No. 5

In response to Additional Information Item No. 5, the Applicant has provided a Green Infrastructure Plan prepared and a completed Green Space Factor Worksheet prepared by RMDA Landscape Architects & Consultants.

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The Parks and Public Realm Department have assessed the Applicant's response to Additional Information Item No. 5, with their Report recommending that permission for the proposed development be **Refused** on the following basis:

'Public Realm consider this proposal to be an over development of the area and unacceptable in terms of green infrastructure, Open Space provision, Green Space Factor, street tree provision and SUDs.

- *Green Infrastructure - The applicant is proposing to remove virtually all of the existing Green Infrastructure that is currently on the site. It fragments existing GI links.*
- *Green Space Factor - The applicant fails the minimum requirements to pass the Green Space Factor.*
- *SUDS - The applicant is not in compliance with South Dublin County Council's SUDs guidance.*
- *Street Trees - The applicant has not provided any street trees that are up to SDCC's standards. "Street Trees" proposed are not classified as such if they are located in driveways. "Miyawaki" planting is also not considered to be street trees.*
- *Planting - The planting that has been proposed is unacceptable. The "Miyawaki" planting proposed differs greatly from what is widely understood to be Miyawaki planting.*
- *Open Space - The proposed open space is poor in quality and would not be accepted at a development of this scale'.*

It is considered that the Applicant should be afforded one final opportunity in the form of a request for **CLARIFICATION OF ADDITIONAL INFORMATION** to address the concerns of the Parks and Public Realm Department in relation to Green Infrastructure, the Green Space Factor Worksheet, the SuDS measures, Planting Plan and proposed open space. Prior to responding to the request for Clarification of Additional Information, the Applicant is advised to liaise directly with the Parks and Public Realm Department.

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 there are significant outstanding concerns in relation to the proposed drainage and water services infrastructure design and the impact on the Green Infrastructure network. These concerns are too significant to be overcome by way of Condition. In this regard, the Applicant should be afforded one final opportunity to address these outstanding concerns by way of **CLARIFICATION OF ADDITIONAL INFORMATION**. In responding to the request for clarification of additional information, the Applicant should note that failure to address the outstanding concerns may result in permission being Refused for the proposed development.

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As such, the Applicant is advised to liaise directly with the Drainage and Water Services Department and the Parks and Public Realm Department prior to providing a further submission.

Recommendation

Clarification of Further Information

Clarification of F.I. Requested on: 22/05/2023. Clarification of F.I. Received on: 13/09/2023 (extension permitted).

Submissions/Observations

None received.

Consultations:

Parks & Public Realm Department:

Grant subject to conditions.

Roads Department:

No issues for Roads Dept. as CAI is not related to Roads elements.

Drainage & Water Services Department:

No objections subject to SuDS in place of underground attenuation tank. Submit a drawing showing rainwater storage capacity for all SuDS.

Uisce Eireann:

No objections, subject to Standard Water Conditions.

Assessment:

Cover letter (13/09/2023) from Armstrong Fenton Associates with the following submission:

- Drawing No. 85675-CFI-001 Site Location Map
- Drawing No. 85675-CFI-002 Site Layout Plan – Existing
- Drawing No. 85675 – CFI- 004 Site Layout Plan – Proposed
- Doc. No. 23175 – Green Infrastructure
- Doc. No. 23178_Clonbrone_PA_B_LP – Landscape Plan
- Doc. No. 20047 -Civil Engineers Response to Request for CAI
- Drawing No. 5001 – Proposed Site Layout & Water Services
- Drawing No. 5004 – Proposed Swept Path Analysis Refuse Vehicle
- Drawing No. 5005 – Proposed Swept Path Analysis Fire Tender
- Drawing No. 5007 – Proposed Signage & Road Markings

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Item 1:

The Applicant is requested to provide the following clarification in relation to the proposed drainage and water services infrastructure:

(i) Submit a report showing site specific run-off rate and run-off volume calculations to clarify what water storage capacity is required to be attenuated to match the pre-developed greenfield run off rates on site. The report shall include the following:

a) The total area of site in km² or ha.

b) Seasonally Adjusted Annual Rate (SAAR) in mm.

c) Attenuation coefficients of soil.

d) Qbar calculations and results in m³ /s or l/s.

e) Enlist the different type of areas (such as roofs, yard, grassed area, permeable pavement) and including their Impermeability Factor. SuDS such as the proposed swale or tree pits should not be included in the grassed area, as their attenuation volume is calculated separately.

f) Provide calculation for the total impermeable area in km² or ha. 1.2

(ii) Submit a report clearly showing the required and the provided volume of storm water attenuation, namely how surface water up to and including the 1:100 (1%) year critical storm with climate change allowance (20%) will be attenuated on site.

Should there be a requirement to provide additional surface water attenuation, the above ground attenuation (such as SuDS) is preferred opposed to underground attenuation. In this case submit a report and drawings in plan and cross-sectional view with the inclusion of additional SuDS for the proposed development such as but not limited to the following:

o Permeable pavement (for example driveways and rear patios).

o Planter boxes with overflow connection to a public surface water sewer.

o Swales and rill channels.

o Grasscrete.

o Green roofs and water butts.

o Raingarden with overflow connection.

o Bioretention rain gardens.

o Water butts are additional features for SuDS, but they are not considered as main features.

(ii) Submit details of the rainwater storage capacity in m³ for all proposed SuDS. Prior to the providing the above outlined information, the Applicant is advised to liaise directly with the Drainage and Water Services Department of South Dublin County Council.

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Assessment:

SDCC Drainage and Water Department have reviewed the submission and have the following comments:

-No objections subject to the examination if the underground water attenuation tank can be replaced or reduced in size by above ground SuDS.

SDCC Parks and Public Realm have reviewed the submission and have recommended conditions in relation to SuDS implementation and SuDS management.

Item 2:

The proposed open space is poor in quality and would not be accepted at a development of this scale. In this regard the Applicant is requested to provide a complete set of revised drawings which demonstrate a more appropriate Public Open Space design having regard to the content of Section 12.6.10 of the South Dublin County Development Plan 2022- 2028. Prior to providing a revised Public Open Space design, the Applicant is advised to liaise directly with the Parks and Public Realm Department of South Dublin County Council.

SDCC Parks and Public Realm have reviewed the submission and deem the revisions have improved the scheme in terms of landscape proposals, GI, SUDS, and open space provision. Public Realm have recommended to grant permission subject to specific conditions in regard to landscape plan and green infrastructure & landscape management and maintenance, SuDS, and tree protection.

Item 3:

The applicant has not provided any street trees that are up to South Dublin County Council's standards. Street Trees proposed are not classified as such if they are located in driveways. Miyawaki planting is also not considered to be street trees. The planting that has been proposed is unacceptable. The Miyawaki planting proposed differs greatly from what is widely understood to be Miyawaki planting. In this regard, the Applicant is requested to provide a more appropriate Planting Plan to include street trees and appropriate species of planting. Prior to providing a revised Planting Plan, the Applicant is advised to liaise directly with the Parks and Public Realm Department of South Dublin County Council.

SDCC Parks and Public Realm have reviewed the submission and deem the revisions have improved the scheme in terms of landscape proposals, GI, SUDS, and open space provision. Public Realm have recommended to grant permission subject to conditions pertaining to tree survey and tree protection and more conditions in regard to landscape plan and green infrastructure.

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Item 4:

(i) It is noted that the Applicant is proposing to remove virtually all of the existing Green Infrastructure that is currently on the site. This would result in the fragmentation of the Green Infrastructure Network and would be unacceptable to the Planning Authority. In this regard, the Applicant is requested to provide a Green Infrastructure Plan (to be coordinated with the revised Landscape Plan, Planting Plan, Drainage Plan and SuDS Plan) that 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. (ii) It is considered that the proposed development fails the minimum requirements to pass the Green Space Factor. The Applicant is requested to provide a revised Green Space Factor worksheet which provides an accurate calculation of the greening factors on the subject site. Prior to providing a revised Green Infrastructure Plan and Green Space Factor Worksheet, the Applicant is advised to liaise directly with the Parks and Public Realm Department of South Dublin County Council.

SDCC Parks and Public Realm have reviewed the submission and deem the revisions have improved the scheme in terms of landscape proposals, GI, SUDS, and open space provision. Public Realm have recommended to grant permission subject to specific conditions in regard to landscaping, green infrastructure, SUDS, and trees.

Clarification of Additional Information submitted has been reviewed by SDCC Parks and Public Realm and it is recommended to grant planning permission subject to conditions specified.

Development Contributions

Development Contributions Assessment Overall Quantum

Proposed Dwellings: 1,249.5sq.m

Assessable Area: 1,249.5sq.m

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Planning Reference Number	SD22A/0390
Summary of permission granted & relevant notes:	7 dwellings 7 dwellings with a gross floor area of 178.5 sq.m. each.
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	119.10
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€119.10
Area of Development (m2)	1,249.5 sq.m.
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	1,249.5 sq.m.
Total development contribution due	€148,815.45

Assessment of Security Bonds			
Dwellings	NO OF UNIT	CASH	BOND
1-20	7	€6,994	€8,043
21-50	0	€4,896	€5,630
51+	0	€2,798	€3,217
TOTAL DWELLING	7	€48,958.00	€56,301.00

SEA Monitoring Information

Building Use Type Proposed:

Floor Area: 1,249.5 sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.3 ha (stated)

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Conclusion

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

Recommendation

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

FIRST SCHEDULE

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

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 25/04/2023 and Clarification of Further Information received on 13/09/2023, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. 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 proposed development without a prior grant of planning permission.
REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

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3. Council Housing Strategy.

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

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

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

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

4. The mitigation measures and commitments identified in the Ecological & Bat Assessment, Appropriate Assessment and Archaeological Assessment and other plans and particulars submitted with the planning application, as amended by the additional information received on 25/04/2023, shall be implemented in full by the developer, except as otherwise may be required in order to comply with other conditions.

REASON: In the interest of the protection of the environment.

5. Uisce Eireann 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.

6. i) A Conservation Management Plan for the mill stone / sundial shall be prepared, following consultation with the Department of Housing, Local Government & Heritage, and submitted to the planning authority for their written agreement prior to commencement of development.

ii) The plan shall provide for the long-term maintenance and management of the mill stone / sundial to ensure that conservation of the mill stone / sundial can be achieved and maintained. The plan shall be agreed in advance of the commencement of construction works to ensure that the management and coordination of all phases of construction works are consistent with the policies and procedures for the long-term protection and preservation of the mill stone / sundial.

The plan shall incorporate a landscaping plan and/or stabilisation works programme, as appropriate, for the mill stone / sundial that is sympathetic to the mill stone / sundial.

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iii) Interpretative signage shall be installed at a relevant location. The design and content of this signage shall be prepared in consultation with this Department and should be approved by the planning authority. The final Conservation Management Plan, including details of implementation, shall be submitted to the planning authority and this Department.

REASON: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

7. Roads.

1. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

2. Prior to the commencement of development, the applicant shall submit a Construction Traffic Management Plan for the written agreement of the Planning Authority. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

3. Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department.

REASON: In the interests of road safety.

8. Services to be Underground.

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

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

9. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

10. 1. No heavy / noisy construction equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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 work outside of these hours shall only be permitted following a written request to the Planning Authority and subsequent receipt of the written consent of the Planning

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Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unwanted noise outside the hours stated above.

2. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

3. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

4. During the construction / 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.

5. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

6. The applicant shall put in place a pest control contract for the site for the duration of the construction works. During the operational phase of the development pest control measures must be also be taken to prevent harbourage and food sources for rodents.

7. The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

8. Signage and /or lighting to be used on site and in the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

REASON: In the interests of public health.

11. Street Naming and Dwelling Numbering.

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

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

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

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The development name should:

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

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

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

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

12. The proposed landscaping scheme shown on Landscape Plan (Dwg. No. 21378_Clonbrone_PA_B_LP) & associated Green Infrastructure Strategy document prepared by Gannon & Associates 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.
 - e) The height of proposed berms/mounding shall be increased and proposed boundary planting bulked up in order to reduce the visual impact of the proposed development.

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REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, improve amenity and reduce the visual impact of the development, in accordance with the policies and objectives contained within the CDP 2022-2028.

13. Retention of Landscape Architect & Certificate of Effective Completion

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.

14. The Developer/Owner shall submit the following for approval:

(i) A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.

(ii) The submitted SuDS scheme shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details.

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

15. Prior to any occupation of the development, a scheme for the maintenance and management of the landscape scheme for the lifetime of the development shall be submitted to the Planning Authority for approval. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:

i) methods for the proposed maintenance regime;

ii) detailed schedule;

iii) details of who will be responsible for the continuing implementation

iv) details of any phasing arrangements

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 of the County Development Plan 2022-2028.

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16. No work shall be commenced on site until an updated detailed tree survey of the site comprising a plan and schedule indicating the precise location, species, spread, height and condition of each tree accurately plotted and showing those trees to be retained and those to be felled with a reason for felling has been submitted to and approved in writing with the Public Realm Section.

The following are required by the Public Realm Section and shall be contained within the Tree Survey Report submitted by the applicant:

- i. Tree Survey should be carried out in accordance with BS 5837: 2012
- ii. Tree Survey must be undertaken by a qualified arboriculturist;
- iii. Plans should be at 1:500, 1:200 or lower scale;
- iv. A 1:200 or 1:500 scale plan(s) showing the location of all existing trees on or adjacent to the site (both tree trunk and extent of crown spread), along with all existing hedgerows, prominent shrubs and woodland (plotted with at least boundary trees shown). Trees should be individually numbered (e.g. T1, T2, etc).
- v. Details of tree specifications: species, age range, health/ condition, height, diameter at 1.5m above ground level (DBH) and existing ground level at the base of the tree;
- vi. The desirability for retention (including the landscape potential), from an arboricultural point of view, of each tree, or group of trees, designated as per the requirements of BS 5837 (1991) Section 5.2.2, and any tree surgery that would need to be undertaken.

REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with relevant policies of the CDP 2022-2028

17. No work shall be commenced on site until a detailed tree protection plan for all existing trees to be retained & protected during construction works in accordance with BS 5837:2012, Trees in relation to design, demolition and construction has been submitted to and approved in writing with the Public Realm Section. Prior to the commencement of any work, or any materials being brought on site, existing trees to be retained are to be protected with temporary fencing. This shall be maintained in good and effective condition until the work is completed. The protective fencing is to coincide, as far as is practical, with the root protection area (RPA), unless otherwise agreed. All weather notices shall be securely fixed to the fence with words such as 'construction exclusion zone - no access'. The following measures are particularly important:
- a. Materials are never to be stacked within the root spread of the tree;
 - b. No oil, tar, bitumen, cement or other material is to be allowed to contaminate the ground;
 - c. No fires shall be lit beneath or in close proximity to the tree canopy;
 - d. Trees to be retained should not be used as anchorages for equipment or for removing stumps, roots or other trees, or for other purposes;
 - e. No notices, telephone cables or other services should be attached to any part of the tree;
 - f. Cement mixing should not be carried out within the canopy/protected area of the tree;

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g. Soil levels are to be maintained as existing within the root spread of the tree. Any alteration to soil levels in an area up to one and a half times the diameter of the tree.

REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with relevant policies of the CDP 2022-2028.

18. The recommendations contained within the submitted Green Infrastructure Report prepared by Gannon & Associates shall be implemented in full by the applicant.

REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with relevant policies of the CDP 2022-2028

19. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €148,815.45 (One hundred and forty eight thousand, eight hundred and fifteen euros and forty five cent), 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.

20. Regulation of Institutional Investment in Housing - Houses and/or duplex unit-type development.

(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social

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and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

21. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:
 - (A) Lodgement of a cash deposit of €48, 958 (fourty eight thousand, nine hundred and fifty eight euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or
 - (B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €56, 301(Fifty six thousand, three hundred and one euro) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided , completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

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

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REG. REF. SD22A/0390

**LOCATION: Clonbrone, Lucan Newlands Road, Esker Hill, Lucan, Co. Dublin, K78
Y5C2**



**Deirdre Kirwan,
Senior Executive Planner**

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

Date: 10/10/2023



**Gormla O'Corrain,
Senior Planner**

To whom the appropriate powers have been delegated by the order number DELG 13623 of the Chief Executive of South Dublin County Council*