

DESIGN & CONSULTANCY SERVICES

PLANNING APPLICATION BY ANNETTE AND ALAN RITCHIE FOR DEVELOPMENT AT Mc DONAGH'S LANE BRITTAS CO. DUBLIN

PLANNING ASSESSMENT BY: JOSEPH J. WARREN Tech. Eng.

1. The Application

This application is for the construction of a single storey dwelling with on site Waste Water Treatment System , and the construction of Polytunnels in relation to proposed strawberry farm enterprise on the site at Mc Donaghs' Lane , Brittas , Co Dublin .

2. The Site

- (i) The subject site is located on Mc Donaghs' Lane, Brittas , to the northwest of the Village of Brittas . The site has C 42 m. road frontage and extends to 0.52Ha. It is currently accessed off the lane through an existing entrance which was the original agricultural entrance to the lands. The site slopes upwards from the front of the site and plateaus out further back where it the rises again along the north-western section.
- (ii) The site was acquired from the applicants, Annette Richie's , uncle. Works had been carried out on the site prior to the applicants purchasing in 2016 . Photo Marked 'A' shows works on the site in 2009.
- (iii) There is a temporary dwelling on site which is served by a septic tank. The development on site is the subject of ongoing legal proceedings regarding the alleged unauthorised nature of the development on site, the applicants are the defendants in this case .

3. Planning History

- (i) There have been a number of refusals for planning permission on the site and some of these were appealed to An Bord Pleanala (ABP) where the Local Authorities (LA's) decisions were upheld .
- (ii) The most recent application, PI Reg Ref No SD20A/0157 was refused on 26th Aug. 2020 .There were 6 No reasons for refusal, all similar to the reasons for refusal within all the previous refusals .

4. The Applicants

- (i) Annette and Alan Ritchie are the applicants seeking planning permission for development of this site which includes the construction of a single storey dwelling and waste water treatment

- system, well, and poly tunnels in relation to a strawberry farming enterprise on the site. New entrance and all associated site works.
- (ii) Annette Ritchie (nee McDonagh) was born and reared in the bungalow directly opposite the subject site, she is married to Alan . Annette Ritchie is native to the area and considerable documentation is submitted in support of this within the rural housing assessments section, submitted within the application content .
 - (iii) The applicants genuine need to reside in this rural area is discussed in considerable detail within the rural housing assessment lodged with the application. The information contained there-in, regarding her immediate family circumstances and indeed her own changed circumstances, we suggest, clearly represents a demonstrable social and economic need to reside in this area and more specifically in this close a proximity to her immediate family members .
 - (iv) We suggest that the sensitive information submitted, which we trust will be filed separately in accordance with GDPR regulation, clearly represents a very significant material change to the applicants circumstances and as such the LA must consider that there is adequate reason for the LA to consider that their reasons for refusal in relation to the applicants rural housing non compliance can be overturned .
 - (v) We suggest that the business proposal for the strawberry farming enterprise has become a more urgent, relevant and viable entity than may have been considered the case within the LA's previous assessments , particularly considering the changed fortunes of the applicant regarding her employment status .
 - (vi) Annette Ritchie (nee Mc Donagh) is indigenous to area , however, we accept that this connection is not adequate in itself for her to be considered in compliance with the rural housing policy of the LA. The significant material changes to her immediate families and her own circumstances does, however, we suggest, changes this .
 - (vii) "PROJECT IRELAND 2040 NPO 19" , which we suggests seeks to curtail once off rural housing, does allow for the consideration of the granting of planning permission for one off dwellings where a demonstrable social or economic need is shown . Annett Ritchie has both a demonstrable social and economic need to reside in this area.
 - (viii) Alan Ritchie has been is support of his wife throughout in her changing circumstances and will be in support of her going forward , her fortunes or misfortunes, as the case may be, are his and he will be actively involved in all that is required to be dine in the future regarding Annette's family issues and the proposed business.

5. The Proposed Development

- (i) It is proposed to construct a single storey dwelling to the front of the subject site. The building design is in keeping with the traditional cottage style to the front with a flat roof linkage to a barrel roof/barn style building at the rear. We suggest that this design would be in keeping with typical buildings found around the countryside traditionally. The building has a maximum height of 5.5 m and relatively modest floor area at C 160 m². It is proposed to have wall finishes in smooth plaster with slate roof to the front/cottage section and raised joint cladding to the barrel roof, all roof material in black.
- (ii) The dwelling is to be served by an onsite waste water treatment system, a site suitability report and recommendation accompanies this application, this has been deemed satisfactory by the LA's Environment Section. A well is also proposed this will serve the dwelling and the strawberry farm.
- (iii) It is proposed to relocate the entrance south of its current location. Detailed analysis of the entrance and other transportation issues are discussed elsewhere in this assessment. Adequate onsite parking is to be provided on porous material with all drainage contained within the curtilages of the site boundaries. Soakaway design and recommendations are lodged with the application.
- (iv) It is proposed to provide three polytunnels in the area directly behind the dwelling on the lower level of the rear area of the site. The strawberry enterprise will operate out of the tunnels only and there will be no requirement for other structures. Equipment required for the operation of the farming such as implements, barrows, etc will be stored within the tunnels. Provision is shown for additional polytunnels as shown on the site plan.
- (v) We are aware of the extent of development within the previous failed applications. We have reduced the coverage, on the overall site, of structures and hard surfacing by 60%. The relocation of the dwelling to the front area of the site results in there being no need for a roadway to the rear of the site and eliminates the construction of all building from the rear of the site. Access to the tunnels will be via gravel pathways 900mm wide. As is normal practice within similar strawberry farms there will be no need for vehicular traffic to access the rear of the dwelling area, save as standard maintenance requirements for a dwelling. All materials both set up and ongoing operational will be transported by hand or trollies designed for use in these type of operations.
- (vi) It is intended to plant a substantial native hedgerow directly behind the dwelling, this will be c.15m to the rear of the dwelling and will run north to south. The area to the front of this hedgerow will be exclusive to the residential aspect of the development.

- (vii) The strawberry farm will occupy 0.30 Ha . of the overall site, exclusively . Given the nature of the process and method of crop rotation employed within strawberry farming this area is more than sufficient to carry-out a viable and self-sufficient business. In fact the working of 0.25 ha is sufficient to produce the required amount of strawberries crop to provide sufficient net profit to create two and a half standard industrial wages . This element of the proposed development is outlined in the business plan accompanying the application.

6. Landscaping

- (I) There is considerable landscaping proposed. It is proposed to re-locate the existing entrance further south of the existing entrance, approximately to the centre of the front boundary. It is also propose to set back the front boundary, this will achieve the improvements required to the sightlines and also will provide a recess that will facilitate a passing point for meting vehicles .
- (II) It is proposed to plant a hedge row along the new front boundary line of native species as detailed on the landscape plan . This will comprise of semi mature planting . It is also proposed to plant a similar hedge row at the rear of the dwelling. There will be a standard timber farm gate installed for access to the rear of the site.
- (III) It is proposed to plant native species trees and hedges along the east and southeast boundaries. There will also be a considerable amount of ground cover planting in the form of Heathers, Ferns gorse/furze .
- (IV) We note that it was proposed within the last application, within the Public Realm Report, that the final detailed landscape plan ,protection measures for trees and hedgerows ,and a tree/hedgerow bond of €10,000 could be conditioned subject to agreement of the detailed landscaping plan, this would be acceptable to the applicants .

7. Visual Assessment report

- (i) The requirement for a visual assessment is suggested for the development proposed in the previous applications, however, we would suggest that while the extent of that development may have required such assessment the current development is of such a lesser scale, than that originally proposed, such a report may not be necessary.
- (ii) We would suggest that if the LA do still feel that such a report is required it would be more beneficial to have it carried out following agreement with the relevant section, referred in the previous section, regarding the full extent of the landscaping of the overall site. We suggest this would be more beneficial as any area that may be deemed to require specific treatment to lessen the effect of the development on the receiving environment could be considered. We would ask that the LA consider that this could be done byway of FI request and we could lease with the relevant section at that stage.
- (iii) We have had a scoping carried out regarding the effect of the development, this did not have the benefit of what may be the final landscaping proposal ,

however, the initial finding was that the effect on the surrounding receiving area would be low.

8. Traffic; Roads; Sightlines; Road Frontage; Ribbon Development .

- (i) A detailed traffic survey and subsequent assessment was carried out and lodged with the last two applications. The results of this Traffic Report are based on current road design criterium and the results have been drawn strictly in accordance with codes of practice within the regulations which are contained in the relevant national and international manuals that dictate all aspects of road design. The outcome of the report on the assessment of the SPEED section is unambiguous. We do not accept that any individual's opinion, regardless of who may support it, can over ride the internationally acceptable code of practice relating to that specific issue.
- (ii) The speed analysis is based on a 7day 24 hour survey carried out by between date ...date . The most relevant section of this report is the analysis of the speeds recorded over the specific period of the survey . The survey found that the maximum speed recorded regarding traffic travelling southbound was 56.6 Km/h . The 85th percentile of the recorded speeds, in this direction, was 37.6Km/h . The NRA manual for the design of roads and bridges is unambiguous in respect of the 85th percentile being the ONLY criterium to be used in assessing a relevant speed limit . It is not only the Irish standard that accepts the 85th percentile as the relevant code of practice but the British manual for the design of roads and bridges and the US roads design manual along with all other internationally recognised manuals, on this issue, fully accept that the 85th percentile is the safe, accepted and relevant code of practice.
- (iii) We strongly contend that to attempt to tamper with this specific code of practice or any other code of practice would create a very serious undesirable , and indeed unsafe , precedence . Engineering is not a matter of opinion but probably the single most absolute there is within any professional assessment. We should not disregard tried and tested practices for individual opinions. To rely on an opinion rather than a recognised tried and tested code of design practice is at the least unsafe and at worst dangerous,
- (iv) The status of Mc Donaghs Lane is an extremely important issue in relation to the assessment of the issues in this section and indeed this application. Analysis of the traffic survey, and local knowledge, shows this stretch of roadway from the junction with the Blessington Road , N81, up to the Tee junction with Slade valley road, L6035, to have predominantly residential traffic related to the laneway itself. We strongly suggest that this lane should be considered as a residential lane and not a Local Road we feel that that the current default speed limit of 80 Km/h should be reconsidered and reduced to 40Km/h which is the speed limit afforded to residential roads in urban areas
- (v) The 85th percentile shows a speed of 37.5 in the basis of calculation of the relevant speed limit for Mc Donaghs' lane at the point where the survey was

dwelling is not aligned with the road boundary as a result of its design and layout of the site. The main entrance into the dwelling is right angle to the front boundary of the site this results in a totally different dynamic and form from the normal elongated dwelling running parallel to the road , we suggests that this would justify the road frontage of 42m.

- (ix) The extent of traffic to and from the site will not be any greater than that of a dwelling despite the strawberry enterprise .The applicant Annette Richie will be operating the farming business on a daily basis ,this eliminates the traffic that would be created by her working off site . The applicants' son no longer resides in the family home as a result there will be no traffic element relating to him. It is intended that the applicant, Alan Richie, will deliver the produce predominantly. Alan travels to City West on a daily basis and it is intended that he will make deliveries en-route . As he is in a position to work flexible hours he will be able to tailor his working rota to suit . Raw materials required for the agricultural business will be collected as required by either applicant ,however, following initial set up there is very little requirement for any materials to be brought to the farm.
- (x) The section of hedgerow to the north of the site, on the opposite side of the road, 20m to 40m from the centre point of the proposed entrance , where it was considered within the last planning assessment , that the sightlines were being impeded, very well maintained by the land owner. At present, and during this year to date, this section of hedge did not impede the sightlines in the northerly direction as they are indicated in the proposed sightline map Drg N21-3-05. On regular inspections this hedge has always min been c.1m. off the indicated sightlines . This is the recommended min. distance for a boundary ditch/hedgerow from a sight line and allows for up to 0.5 m growth during the growing season without impeding the sightline . The owner/occupier of the property, where this section of hedge is located carries out, what can be considered to be, a very good housekeeping regime on their property. While there is no reason to believe that the hedgerow in question will not continue to be maintained, in a manner which will not impede this sightline, the applicants have received written confirmation, in the form of a letter of permission that they, the applicants, can maintain this section of hedgerow going forward, if required . We do not concur with an opinion within the latest planning refusal assessment that the proposed cutting back of the hedgerow was not an acceptable proposal . It is normal for every roadside boundary to have annual or biannual hedge cutting and trimming as a matter of good housekeeping , it would be careless in the extreme for a land owner not to do so . It is also not unusual to have the regular cutting back of vegetation and hedges, in order to preserve the integrity of sightlines , conditioned within a planning application grant . The applicants are willing to have such a condition attached to a grant, should one ensue, not only to this particular stretch of hedgerow but roadside ditches and verges along both sightlines which requires ongoing maintenance, where they have control, the agreement from the owner of the relevant

- property, gives them control to maintain it . As a condition of planning the condition would be legally binding as not to maintain these hedges/ditches would represent non-compliance with a condition of the planning permission .
- (xi) We strongly suggest that considerable material change exists within the roads and traffic areas within this proposal from that proposed in all previous applications. We would ask the LA roads and traffic sections to give careful consideration to all the aspects dealt within this section of this assessment . We suggest that there is no public safety issue remaining as the sightline issue is adequately dealt with and that clarity of the proposal shows no problems in this regard . Traffic movement is not an issue as the extent of movements are more in keeping with average residential numbers of trips given the changes in the applicants over all circumstance. We would ask that the significant material changes to the applicants circumstances and the significant changes in the proposal relating to traffic and roads, herein, be recognised as reason for the relaxing of policies in order to allow the LA grant this permission and deem that the reasons for refusal relating to Traffic, Roads, Sightlines, Road Frontage and Ribbon Development have been adequately addressed in a manner which warrants the overturning of those reasons for refusal .

9. CONCLUSION

- (i) The series of applications that have preceded this application have served more to cause confusion rather than move the situation forward. We have endeavoured to put forward a clear assessment of the main issues that have arose in the previous refusals, based on the assessments within the LA's last refusal . While we have not gone through every policy that is cited within the assessment, referred to above, we believe the overall principles within all those policies have in some way been addressed.
- (ii) The applicants have found themselves in a very fast moving situation regarding every aspect of their lives . The significant changes that they have faced in the last 12 months alone have been devastating for them, this is dealt with in greater detail in the rural housing section. The dynamic of their lives has been totally altered and, ironically, this has created a situation that results in the proposals within the planning application being the only way forward for them and even more feasible than before.
- (iii) Their social need cannot be under estimated and is strongly supported within the rural assessment by professional certification. Their economic need arises from unexpected changes in the applicants' employment status. There is no doubt now that the applicants will have adequate

time to run the agricultural enterprise, the business plan clearly shows the viability of the proposal.

- (iv) Significant material changes to the roads and traffic issues have been achieved. There is clarification regarding the sightlines, entrance and passing recess is clearly indicated .We suggest that the faders of ghe roads and traffic sections have been delt with adequately.
- (v) We suggest that the LA can grant this permission, we note that there is reference, in a significant number areas, where the LA suggest sufficient change had not taken place to warrant the reversal of reasons for refusal or setting aside of policies to allow for a different outcome . We would ask the LA to consider that there is indeed sufficient changes within this proposal to allow for the granting of this permission.
- (vi) We would ask that the LA consider allowing us clarify any issues that they may have reservations about and allow us the opportunity to submit any further information that the LA may feel would assist them in coming to a favourable decision in the matter of this application.

Signed _____

Joseph J Warren Tech. Eng.

Dated : 17th September 2021



McDonagh's Ln
County Dublin
Google
Street View - Jul 2009

McDonagh's Ln

PHOTO 'A'

Mr Conor Clarkin
McDonaghs Lane
Glenaraneen
Brittas
Co Dublin

15th Sept 2021

To South Dublin County Council
Tallaght
Dublin 24
D24A3XC.

Ref Annette & Alan Ritchie, McDonaghs Lane, Glenaraneen, Brittas, Co Dublin.

I, Conor Clarkin give permission for Annette & Alan Ritchie to cut into the hedgerows on the boundary of my property in order to improve the sightlines required.

This will allow improved sightlines facing in the Northernly direction on the proposed entrance as outlined in their planning application.

It has been agreed, Annette & Alan Ritchie will be responsible for maintain the hedgerows, after its alteration.

I am satisfied for these works to take place, therefore enhancing adequate sightlines for Annette & Alan to build their first home.

Kind regards

A handwritten signature in dark ink, appearing to read 'Conor Clarkin', written over a horizontal line.

M Conor Clarkin.