

Comhairle Chontae Atha Cliath Theas

PR/0179/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0335 **Application Date:** 09-Dec-2021
Submission Type: New Application **Registration Date:** 09-Dec-2021

Correspondence Name and Address: Sarah Forde 4, The Mall, Main Street, Lucan, Co. Dublin

Proposed Development: Construction of 6 two storey, 3-bedroom terraced dwellings; all associated site development works, car parking, landscaping, open spaces, public lighting and connections to foulds and surface water drainage/attenuation systems and mains water supply; the proposed development represents an amendment to the existing partially completed development as it relates to the above-mentioned plots for which planning permission was granted under Register Reference SD19A/0040 granted on the 18th November 2019. The application provides for and planning permission is sought for an amendment to the scheme as set out in the compliance layout submitted on the 14th July 2020 and approved by South Dublin County Council on the 18th August 2021 on foot of condition No. 2a, 2b & 2c of SD19A/0040 by making provision for a vehicular access and footpath to the boundary of the lands to the rear (northern boundary) of the existing development; the development is on a site area of c. 0.15ha known as Site No's 10 - 15 Cornerpark Rise, Cornerpark Town land, Peamount Road, Newcastle, Co. Dublin.

Location: Site No's 10-15, Cornerpark Rise, Cornerpark Townland, Peamount Road, Newcastle, Co. Dublin

Applicant Name: Dragonglen Limited

Application Type: Permission

Description of Site and Surroundings

Site Area

Stated as 0.15 Hectares.

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Site Description:

The site of the proposed development is located within a permitted and partially complete residential development (SD19A/0040) known as 'Cornerpark Rise', which is situated on the eastern edge of Peamount Road, approximately 315m to the north of Main Street, Newcastle.

The subject site pertaining to this Planning Application is bound to the east and west by permitted residential units of Cornerpark Rise, to the south by an internal access road for the overall residential development to the north by greenfield/agricultural lands, which appear to be within the ownership of the Applicant. The site is situated within the Newcastle Local Area Plan area and a short distance to the north of the Newcastle Architectural Conservation Area.

Site Visit

26th January 2022.

Proposal

The proposed development will consist of amendments specifically relating to Conditions Nos. 2 and 3 attached to the development permitted under SD19A/0040. The amendments can be described as follows:

- The provision of a connection to the lands to the north of the subject site comprised of a 6m wide vehicular carriageway with a 2m wide footpath on either side.
- The relocation eastwards of Unit Nos. 10-15 to facilitate the provision of the connection to the lands to the north.
- The omission of the connection to the adjoining lands to the south.
- All associated site works above and below ground.
- There is no change to the overall quantum of residential units permitted under SD19A/0040.

Zoning

The subject site is subject to zoning objective 'RES-N' - *'To provide for new residential communities in accordance with approved area plans'*.

The site is subject to the *Newcastle Local Area Plan* and is also situated to the north of the *Newcastle Architectural Conservation Area*.

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It should also be noted that the subject site is located in a transitional area, with the lands directly adjacent to the northern boundary zoned objective 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture.'*

Consultations

Internal

Water Services and Drainage :

No report received at time of writing.

Parks and Landscape Public Realm:

Additional information requested.

Roads:

Refusal recommended.

Heritage Officer:

No report received at time of writing.

Architectural Conservation Officer:

No report received at time of writing.

Housing Strategy Unit:

No new Part V agreement required as no change to total unit numbers.

External

Irish Water: Additional information requested.

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

Department of Defence: No report received at time of writing.

Dúchas The Heritage Service: No report received at time of writing.

Department of Housing, Local Government and Heritage: No report received at time of writing.

SEA Sensitivity Screening

Overlap indicated with the following layers on the SEA monitoring system:

- Areas of Archaeological Potential;
- Record of Monuments and Places DU020-003 – Newcastle Village; and
- Newcastle Village Architectural Conservation Area to the south.

Submissions/Observations /Representations

Deadline for submissions/observations – 21st January 2022.

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None received.

Relevant Planning History

Subject site

SD19A/0040

Permission sought for demolition of existing stables/sheds; construction of 28 dwellings comprised of 8 three bedroom, two storey semi-detached houses (Type A); 7 three bedroom, 2 storey terraced houses (Type B); 6 three bedroom, 2 storey terraced houses (Type C); 3 three bedroom, 2 storey terraced houses (Type D); 4 three bedroom, 2 storey semi-detached houses (Type E); all associated site development works, car parking, landscaping, open spaces, public lighting, connections to foul and surface water drainage/attenuation and water supply.

Decision: Permission granted, subject to conditions.

On 10th October 2019, permission was granted for the residential development subject to conditions. Condition No. 2 attached to the grant of permission are of particular relevance to the subject scheme of this Planning Application:

'2. Revised Plans

No development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority for written agreement:

(i) Revised plans that incorporate the following amendments for written agreement:

(a) Road 1 shall not extend to the northern site boundary, it shall cease prior to the front building line of units 13 and 14.

(b) The terrace of units 14 to 19 shall be relocated in a westerly direction with footpath, privacy strip and private amenity space for houses 13 and 14 absorbed into the space and a landscaped privacy strip provided to the east of the terrace at house 19.

(c) A suitable location on the eastern side of the terrace of House Type C for bin storage for the residents of the block shall be indicated on revised plans and shall include details of height, depth, materials and screening and information demonstrating that the refuse storage facility has adequate internal space to cater for the size and number of bins allocated to each household within the terrace.

(d) The side elevation - B on the eastern side of the terrace of House Type C shall incorporate the same window features at both ground and first floor level as that of side elevation - A.

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(e) Details of suitable vehicular access to unit 13

(f) Further details of the proposed gossip walls including depths, heights and materials for all properties where they are proposed

The applicant, owner or developer may consult with the Planning Authority in advance of lodging the required revised plans.

REASON: To ensure that adequate space is provided for defensible space, bin storage and residential amenity'. [Our Emphasis]

The Applicant provided a Compliance Submission in relation to Condition No. 2 attached to SD19A/0040. The submission included a revised Site Layout Plan (Drawing No. 1.1.0003 Rev D) to address items 2(a) and (b) which clearly demonstrated the cessation of the road before it reached the northern boundary and the slight relocation westwards of the terrace of units which are associated with this Planning Application.

It is noted that the proposed development of this Planning Application is essentially seeking the reversal of the layout required by conditions Nos. 2(a) and (b) and the reinstatement of the original design, extending the road to the northern boundary and the relocation of 6 No. units westwards to facilitate the roads layout. No clear rationale has been provided by the Applicant for the proposed contravention of Conditions Nos. 2(a) and (b) of the extant permission. The only rationale offered in the Applicant's Cover Letter is:

'Access to these lands is required in the interest of good land management and to allow the lands be sufficiently maintained and secured.'

The rationale offered by the Applicant does not sufficiently explain the need for access to the lands to the north zoned 'RU'. Furthermore, the Planning Authority note that there appears to be an agricultural entrance to these lands leading directly from Peamount Road.

The proposed non-compliance with a condition attached to SD19A/0040 is wholly unacceptable to the Planning Authority and in this regard permission for the proposed development shall be refused.

Adjacent sites

SD15A/0193 and PL06S.245943

Demolition of 3 dwellings and associated sheds/garages (4) totalling c.786 sq.m. Construction of a new residential development comprising 73 no. 2-storey, 3/4/5 bed, detached, semi-detached and terraced houses ranging in size from c.107sq.m to c.176sq.m; provision of a new vehicular entrance to service 71 of the houses with 2 houses having direct frontage/access to Main Street; additional access to the Castlelyon residential development to the east; all

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associated site development, landscaping, open spaces, boundary treatment works, car parking, bin storage and infrastructural services provision.

Decision: SDCC Grant permission, subject to conditions. Appeal Withdrawn.

Relevant Enforcement History

None recorded for the subject site.

Pre-Planning Consultation

None recorded for the subject scheme.

Relevant Policy in South Dublin County Council Development Plan 2016-2022

UC Policy 3 – Village Centres

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

UC3 Objective 1

To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs).

HCL Policy 1 – Overarching

HCL Policy 4 Architectural Conservation Areas

HCL4 Objective 2: To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.

11.5.3 – Architectural Conservation Areas

Policy H6 Sustainable Communities

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

Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high-quality design and complies with Government guidance on the design of sustainable

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residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policy H8 Residential Densities

It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Policy H9 Residential Building Heights

It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

Policy H10 Mix of Dwelling Types

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

Section 2.3.0 Quality of Residential Development

Policy H11 Residential Design and Layout

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

Policy H12 Public Open Space

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

Policy H13 Private and Semi-Private Open Space

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

Policy H14 Internal Residential Accommodation

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

Policy H15 Privacy and Security

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

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Policy HCL2 Archaeological Heritage

Section 3.13.0 Open Space Management & Use

Policy C12 Open Space

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

Policy UC6 Building Heights

It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.

Section 6.3.0 Walking And Cycling

Policy TM3 Walking and Cycling

It is the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation by prioritising.

Section 6.4.3 Road and Street Design

Policy H12

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

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

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

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

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

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

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

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 10.0 Energy

Policy E4 Energy Performance in New Buildings

11.2.0 – Place Making and Urban Design

Section 11.2.0 Place Making and Urban Design

Section 11.2.1 Design Statements

Section 11.2.3 Town and Village Centres

Section 11.2.7 Building Height

Section 11.3.1 Residential

(i) Mix of Dwelling Types

(ii) Residential Density

(iii) Public Open Space/Children's Play

(iv) Dwelling Standards

(v) Privacy

(vi) Dual Aspect

Table 11.20: Minimum Space Standards for Houses

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Section 11.4.3 Car Parking for Electric Vehicles

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Section 11.4.4 Car Parking Design and Layout

Section 11.4.5 Traffic and Transport Assessments

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Newcastle Local Area Plan

The site is located within the Peamount Neighbourhood on the eastern side of Peamount Road and directly abuts Burgage North Neighbourhood to the south and east. The LAP requires a link southwards into the Burgage North Neighbourhood.

Objective G17: Protect the historic burgage plot boundary and townland delineations (including townland boundaries to the Glebe, Ballynakelly Newcastle South and Commons Little) around Newcastle Village including their associated hedgerows and ditches.

Objective G18: Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site.

Objective G19: Require that burgage and townland field boundaries and ditches are utilised wherever possible as SUDS elements such as swales for conveying water; landscape features; and biodiversity-protecting elements.

Objective PN5: Include for a through Green Link Street with Peamount Road as part of an east-west through route that will connect the neighbourhoods on the northern side of Main Street and Aylmer Road with Peamount Road'.

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Objective GI21 requires that an Archaeological Assessment Report be submitted with all Planning Applications within the Zone of Archaeological Potential.

Objective GI28 requires the submission of a Bat Survey as part of every planning application for development.

Objectives GI12, GI14 and GI15: SuDS and Flood Risk Objective GI21: Archaeology

Objectives GI27, GI28, GI29 and GI30: Ecology

Objective AM7: Accessibility and Movement

Objectives LUD1, LUD2, LUD7, LUD13: Land Use and Urban Design

Objectives BF1, BF8: Built Form

Relevant Government Guidelines:

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

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).

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 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).

Regional Planning Guidelines for the Greater Dublin Area 2010-2022, Dublin Regional Authority & Mid-East Regional Authority, (2010).

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)

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991)

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Assessment:

The main issues for assessment relate to:

- Zoning
- Planning History
- Newcastle Local Area Plan

Zoning

The subject site is designated with the zoning objective 'RES-N' in the South Dublin County Development Plan (2016-2022), for which the stated objective is '*to provide for new residential communities in accordance with approved area plans*'. Residential development is 'permitted in principle' in accordance with the zoning matrix.

The subject site is also governed by the Newcastle Local Area Plan. Compliance with the relevant policy discussed under a separate heading, 'Council Policy'. There are no objectives or policies within the LAP to support the proposed vehicular connection to the north of the site into rural zoned lands.

Planning History

Given that the proposed development essentially amounts to amendments of a previously permitted residential development (SD19A/0040) and that the overall quantum of residential units on the subject site has not changed, it is not proposed to carry out a complete assessment of the 6 No. residential units in question. It is more pertinent to carry out an assessment of the proposed re-location of the 6 No. units to facilitate in the context of the previously permitted residential development (SD19A/0040).

Connectivity to the lands to the north

The assessment of the residential development permitted under SD19A/0040 noted the following in relation to the proposed connectivity to the lands to the north:

'There are however concerns with the road layout that affect block 14-19. It is considered appropriate to require road 1 to cease prior to the front building line of houses 13 and 14, as it is unnecessary to provide a potential future access to lands to the north as they are not zoned. Therefore, a condition moving the terrace in a westerly direction will be attached to the permission in the location of road 1 absorbing the rear garden spaces, privacy strip and footpath in place of road 1 at this location.'

The Planning Authority, on review of the proposed development and the documentation submitted with this application, can see no justification why the original decision should be changed. Nothing has changed on site or within policy that would require a change in the original decision. There are no objectives or policies within the Newcastle LAP to support the proposed vehicular connection to the north of the site into rural zoned lands and no clear

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rationale has been submitted by the applicant that would support the non-compliance with Condition 2 of the original permission.

The Roads Department has reviewed the proposed development of this Planning Application and has noted the following:

The Cornerpark Rise road was assessed in full in the previous planning application SD19A/0040. Under condition 2 of this application the road was removed. It would be contrary [to] correct planning to allow this to proceed under this planning permission. The roads department cannot identify a justification for this road considering the current surrounding planning zoning.

The road does not confirm to the LAP for Newcastle, it is also prudent to note the beginning of the southern link road of this LAP was to be constructed as per the previous planning. The roads department do not look favourably on the inclusion of the road (Cornerpark Rise) in this application.

The Report of the Roads Department concluded as follows:

- *The Roads Section consider that no further planning permissions should be granted for this site until all conditions of previously granted planning permissions have been complied with fully, particularly with regard to the southern link road in accordance to the Newcastle LAP.*
- *The road proposed to the north should be omitted.*

Insufficient rationale or justification has been provided by the Applicant in relation to the proposed road leading to the northern boundary, which would contradict condition No. 2(a) of the extant permission. It is considered that the assessment of the original planning application remains relevant and it is therefore recommended that permission for the proposed development should be refused.

Re-location of Unit Nos. 10-15 Eastwards

The proposed development includes the re-location of Unit Nos. 10-15 eastwards to facilitate the provision of the road/street leading to the northern boundary. As insufficient justification has been provided for the road/street leading to the northern boundary, there is no clear reason for the re-location of Unit Nos. 10-15 eastwards. Furthermore, to permit the re-location of these units would be in direct contravention of Condition No. 2(b) attached to SD19A/0040.

It should be noted that the surrounding receiving context of the subject site has not changed since permission was granted for the residential development (SD19A/0040) i.e. the lands to

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the north of the subject site remain zoned 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture.'*

It is noted that permission for Unit Nos. 10-15 was previously permitted under SD19A/0040 (referred to as Unit Nos. 14-19), and thus the units could be constructed by the Applicant in their permitted location. **In the event of a refusal of permission for the proposed development the subject residential units can be delivered under SD19A/0040.** The applicant has permission to construct the 6 dwelling units, permission is recommended to be refused for the proposed development having regard to the concerns relating to the non-compliance with conditions attached to the extant permission.

Newcastle Local Area Plan - Southern Link - Enforcement

The proposed development is subject to Newcastle Local Area Plan and is situated within the 'village edge' of the Peamount neighbourhood. Whilst the overall residential development permitted under SD19A/0040 has previously been assessed against the Newcastle Local Area Plan, the following section provides an assessment of the proposed amendments in relation to the policies and objectives of the LAP.

Objective PN5

Objective PN5 states that development of the Peamount Neighbourhood shall *'include for a through Green Link Street with Peamount Road as part of an east-west through route that will connect the neighbourhoods on the northern side of Main Street and Aylmer Road with Peamount Road'*. The parent permission (SD19A/0040) pertaining to the subject site included a future connection to the lands south, which would potentially connect to Main Street in accordance with the Local Area Plan. The drawings provided by the Applicant pertaining to this Planning Application appear to indicate the omission of this connection to the lands to the south of the subject scheme (on lands outlined in blue). This can be confirmed by aerial mapping. This is entirely unacceptable to the Planning Authority, as the absence of this potential connection would reduce the connectivity of the residential development to the centre of Newcastle and would be contrary to Section 6.10.2 of the Newcastle Local Area Plan. This reduction in the connectivity to Newcastle for pedestrians and cyclists would generate car dependency for residents of the subject scheme. The Enforcement Team to be notified.

Objective GI21

Objective GI21 requires that an Archaeological Assessment Report be submitted with all Planning Applications within the Zone of Archaeological Potential. The application does not include an Archaeological Impact Assessment Report.

Objective GI28

Objective GI28 requires the submission of a Bat Survey as part of every planning application for development. A Bat Survey has not been submitted with the Planning Application.

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Conclusion

Having regard to the foregoing, it is considered that the proposed development does **not accord** with the objectives of the Newcastle Local Area Plan by virtue of the deficiencies in the information provided with the Application and the proposed layout.

Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Planning Notes

1. It appears that the Applicant has cleared the site in the location of the proposed road connecting to lands to the north and vegetation has been removed and it appears that no provision has been made to create the southern link to Burgage North Neighbourhood. In this regard, the Enforcement Team of South Dublin County Council should be notified to investigate compliance with all conditions pertaining to SD19A/0040.
2. There are a number of discrepancies and deficiencies in the information provided by the Applicant:
 - a. The drawing entitled 'Existing Site Plan (As Built)' (Drawing No. 3.1.003) does not appear to match the layout permitted in the compliance drawing pertaining to Condition No. 2 (Drawings No. 1.1.003 Rev D). In particular, no connection to the lands to the south are shown on the Existing Site Plan. This raises a serious concern regarding compliance with Condition No. 2 of the extant permission (SD19A/0040). Furthermore, the description of development outlined in the Statutory Notices makes no reference to the omission of the connection to the adjoining lands to the south. This is a matter for enforcement and the file should be referred to Enforcement Team.
 - b. The drawing entitled 'Block Plan as Previously Granted Ref No. SD19A/0040' (Drawing No. 3.1.004) does not appear to match the layout permitted in the compliance drawing pertaining to Condition No. 2 (Drawings No. 1.1.003 Rev D). The connection to the lands to the south and Units Nos. 10-15 are not shown on Drawing No. 3.1.004. *Development granted under SD19A/0040 is under

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construction and it is clear that no provision has been provided for the creation of the southern link into Burgage North Neighbourhood. This is a matter for enforcement and the file should be referred to Enforcement Team.

- c. The drawing entitled 'Landscape Details' (Drawing No. 10) does appear to show the connection to the lands to the south, which is consistent with the compliance drawing pertaining to SD19A/00040 but is inconsistent with the remainder of the drawings enclosed with this Planning Application, as highlighted above.
3. Section 5.2 – Green Infrastructure, of the LAP, encourages the provision of Green Infrastructure, which is further supported by Section 8.1.0 of the Development Plan. The Report of the Parks Department in relation to the proposed development notes that: *'The proposed development layout has no green infrastructure and is contrary to GI policies and objectives in the Newcastle Local Area Plan and County Development Plan that require street tree provision and the sustainable management of water incorporating SuDS features'*. The Planning Authority notes the above but recognises that permission has been granted for development at this location, which is currently under construction. However, if future applications are received and are to be granted permission in the future, Green Infrastructure policies and objectives contained within the Newcastle Local Area Plan and the County Development Plan should be applied.

Conclusion

Having regard to the conditions attached to the extant permission on the subject site and the discrepancies and deficiencies in the information provided by the Applicant, it is considered that the Applicant has not satisfactorily demonstrated that the proposed development would comply with the policy contained within the South Dublin County Council Development Plan 2016-2022 and the Newcastle Local Area Plan. The Planning Authority considers that the proposed development would be contrary to the proper planning and sustainable development of the area. The Application is therefore recommended for refusal.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The proposed removal of the road up to the northern site boundary and the re-location of six dwellings westward would contravene materially Condition 2 attached to an existing Planning Permission (SD19A/0040), where nothing has changed on site or within policy that would require a change in the original decision. Furthermore, there are no objectives or policies within the Newcastle Local Area Plan to support the proposed vehicular connection to the north of the site into rural zoned lands. The proposed development

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would therefore contravene Condition 2 of an extant permission, would be contrary to the Local Area Plan and would be contrary to the proper planning and sustainable development of the area.


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REG. REF. SD21A/0335

**LOCATION: Site No's 10-15, Cornerpark Rise, Cornerpark Townland, Peamount Road,
Newcastle, Co. Dublin**


Tracy McGibbon,
A/Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000
(as amended) to Refuse Permission for the above proposal for the reasons set out
above is hereby made.

Date: 11/2/22


Eoin Burke, Senior Planner