

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0338 **Application Date:** 13-Dec-2021
Submission Type: New Application **Registration Date:** 13-Dec-2021
Correspondence Name and Address: Derek Whyte Great Connell, Newbridge, Co. Kildare
Proposed Development: Construction of a detached single storey bungalow; vehicular entrance; secondary effluent treatment system; all associated site works.
Location: Ringwood, Hazelhatch, Cellbridge, Co. Kildare
Applicant Name: Frank Reynolds
Application Type: Permission

(SW)

Description of Site and Surroundings

Site Area

Stated as 0.118 hectares.

Site Description

The subject site is located on Hazelhatch Road, approximately 2.5km northwest of Newcastle Village centre and 2.5km southeast of Newcastle Village centre. The site is agriculture at present with a mix of mature hedgerow and trees along the front boundary. There is farmland to the north, south, east and west of the site. The site is situated in an area of ribbon housing development

Proposal

The proposal consists of the following:

- Construction of a detached single storey bungalow; vehicular entrance; secondary effluent treatment system; all associated site works.

Zoning

The site is zoned objective 'RU' – protect and improve rural amenity and to provide for the development of agriculture

Consultations

Environmental Health – no objection, subject to conditions

Irish Water – no objection, subject to conditions

An Taisce – assess the proposal in accordance with CDP policies

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

Parks – no report received at time of writing

Roads – recommend refusal

Water services – no objection, subject to conditions

Waste management – no report received at time of writing

SEA Sensitivity Screening

Indicates overlap with the following relevant environmental layers:

- Rural 2016

Submissions/Observations /Representations

Several received, supporting the proposal.

Recent Relevant Planning History

Application site:

S00A/0276 Construct dwelling and biocycle treatment plant. **Outline Permission Refused**

Relevant Enforcement History

None recorded

Pre-Planning Consultation

None recorded for this proposal.

Planning Policy and Guidance

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

1.7.5 Rural Areas

Core Strategy (CS) Policy 5 Rural Areas

2.5.0 Rural Housing

Housing (H) Policy 20 Management of Single Dwellings in Rural Areas

Housing (H) Policy 21 Rural Housing Policies and Local Need Criteria

Housing (H) Policy 22 Rural Housing in RU Zone

Housing (H) Policy 27 Rural House & Extension Design

2.5.2 Rural Housing Policies and Local Need Criteria

Section 4.6.0 Rural Economy

Economic and Tourism (ET) Policy 9 Rural Economy-

Policy HCL1 Heritage, Conservation and Landscapes

Section 9.2.0 Landscapes

Policy HCL7 Landscapes

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

*Section 8.1.0 Green Infrastructure Network
Policy G2 Green Infrastructure Network*

*Section 9.2.1 Views and Prospects
Policy HCL8 Views and Prospects*

Section 9.3.0 Natural Heritage Sites

*Section 9.3.4 Non-Designated Areas
Policy HCL Policy 15 Non-Designated Areas*

*Section 11.7.2 Energy Performance in New Buildings
Section 11.8.2 Appropriate Assessment*

Relevant Government Guidelines

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

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

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009)

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (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 areas for assessment are as follows:

- Zoning and Council Policy
- National and Regional Policy
- Landscaping and Visual Impact
- Parking and Access
- Design and Visual Amenity
- Water and Drainage
- Public Health
- Screening for Appropriate Assessment
- Environmental Impact Assessment

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

Zoning and Council Policy

The site is zoned objective 'RU' – To protect and improve rural amenity and to provide for the development of agriculture.

Policy H22 states that new or replacement dwellings will only be permitted in exceptional circumstances within area zoned as 'RU' Objective 1 states:

To consider new or replacement dwellings within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) where:

- *The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community)*

OR

- *The applicant has close family ties with the rural community.*

The applicant has provided a 'Rural Housing Compliance Statement'. The statement sets out the following:

- The applicant is a racehorse breeder and works full time in the equine industry
- The applicant leases the land directly behind the application site
- The application is compliant with the 'RU' zoning as:
 - o The applicant's equine development in an intrinsic agricultural development which is consistent with the zoning policy
 - o The applicant is a full time race horse breeder and has 55 horses in his ownership (copies of passports have been provided)
- The applicant is willing to accept an occupancy condition
- The house has been designed to be cognisant of the existing established architectural pattern of development in the area.
- The site is located within 200m of Hazelhatch Train Station and is an infill site on a transitional area between rural and urban.
- The house will take advantage of slightly lower ground level to accommodate the house on the site and will form a consistent pattern of development between the existing houses
- NPF – objective 19 – is quoted (in part).
- It is set out that equine is considered an agricultural use
- It is stated that the settlement strategy of the East Midlands Region supports provision of policy at local level to support and protect rural economies
- The applicant has demonstrated an economic need to live in the area

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

- The application does not constitute ribbon development – ribbon development is not solely a quantitative measure of 5 or more houses over a 250m frontage. It is stated that ribbon development allows for the quantitative measures to be relaxed where:
 - o The type of rural area and circumstances of the applicant;
 - o The degree to which the proposal might be considered infill development; and
 - o The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.
- Planning Authorities will need to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.
- The site has established houses either side and is essentially side garden.

It is noted that the area is in close proximity to Newcastle Village and also Celbridge Village (Kildare), and is an area subject to urban generated pressure for housing.

The applicant has not demonstrated close family ties in the area. The applicant has not demonstrated a need to reside in the area based on their employment. The applicants have not adequately demonstrated how their current housing needs cannot be facilitated in existing urban areas in close proximity. It is not considered in this instance that the applicant has demonstrated sufficient justification that would warrant the setting aside of Policy H20 where it is the policy 'to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' It is not considered that the applicant has overcome the reasons for refusal.

Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states:

'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' The justification provided is not considered to warrant the setting aside of the objectives of Policy H20 in this instance.

Taken in conjunction with existing residential development in the area, the proposed dwelling would contribute to excessive development in a rural area lacking certain public services and community facilities, served by a substandard road network to accommodate increased development. As such, the proposed development would materially contravene the objectives of the Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area and would therefore be contrary to the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

National and Regional Policy

It is noted that the applicant has quoted NPF objective 19. In full, this states:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

The proposal is not in keeping with this objective.

The RSES Settlement Strategy specifies that in rural places under strong urban influence – such as areas in close proximity to Dublin or other towns – housing should be directed into the built-up area of existing settlements, subject to the ‘core consideration of demonstrable economic or social need’ for new houses external to settlements.

The Metropolitan Area Strategic Plan for Dublin specifies that planning authorities shall support compact and sustainable growth in the metropolitan area, in line with National Policy Objectives 2a, 3a, 3b and 3c, which require 40% of all new homes nationally to be built within the existing built-up footprint of settlements.

The RSES settlement strategy specifies that new development should be directed into the built-up footprint of existing settlements, and that only where someone shows ‘demonstrable economic or social need’.

Regional settlement strategy does not support the proposed development, and the proposed development is not fundamentally different to those previously refused. As stated above, the applicant has provided no information in relation to a demonstrable need.

Landscape and Visual Impact

The site is located within the Newcastle Lowlands Landscape Character Area. The South Dublin Landscape Character Assessment identifies this as an area with medium to high landscape value and states the following regarding its landscape capacity:

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

'Low: Key characteristics of the landscape are vulnerable to change. There may be limited opportunity to accommodate development without changing landscape character. Great care would be needed in locating development'.

Objective 1 of Policy H27 states that rural housing should be designed and sited

- *to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- *so it will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- *Retains and reinstates traditional roadside and field boundaries; and*
- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
- *Would not create or exacerbate ribbon or haphazard forms of development'.*

The proposed dwelling would be a bungalow. It would be located towards the front of the site.

It is the Council's opinion that the proposed development would result in ribbon development. In addition to this, the applicant has provided no landscape or visual assessment by which the impacts on the landscape can be considered. It is noted that there were previous concerns regarding the road frontage.

Overall, due to the lack of information provided, it is therefore considered that the landscape and visual impact would not be acceptable and permission should be refused on this basis.

Residential Amenity

In terms of residential amenity, the proposed dwelling would be a bungalow and would therefore not have a significant impact on the amenity of the adjacent occupiers. The proposed dwelling would measure 227sq.m which is in excess of the 110sq.m required for 4+beds.

The bedrooms would measure as follows:

- Master – 14.8sq.m (Main); 4m x 3.7m – above the required 2.8m minimum width
- Bed 2 – 17.2sq.m (Double); 4m x 4.3m – above the required 2.8m minimum width
- Bed 3 – 10.9sq.m (Single); 2.9m x 3.78m – above the required 2.1m minimum width
- Bed 4 – 15.9sq.m (Double); 4.3 – 3.6 (narrowing to 2.38 x 2.04) – below the required 2.1m minimum width when the en suite is excluded

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

The proposed living room width would be 4.7m x 5.4m, which meets the required 3.8m minimum width. Private rear amenity space would be in excess of the 70sq.m minimum requirement.

Notwithstanding the objection to the principle of the proposal, the development is considered acceptable in terms of residential amenity, with the exception of bedroom 4, which has a minor deviation from the prescribed standard.

Landscaping and Ecology

The Parks and Public Realm Department has not provided comment on this application.

Parking and Access

The Roads Department has assessed the proposal and has provided the following comments:

Roads recommends refusal on the grounds of:

1. *The proposed development would be located at a junction on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment and lacks pedestrian, public lighting and drainage facilities. The generation of additional traffic/turning movements on this heavily trafficked high speed road would endanger public safety by reason of a traffic hazard.*

2. *This proposal constitutes undesirable ribbon development on a substandard rural road network, which will lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area.*

The Planning Authority notes the Roads Department Report and concurs with the finding. The proposed development would be contrary to Policy H27-Objective 1 as it would comprise ribbon and haphazard forms of development.

Water and Drainage

Water Services and Irish Water have both assessed the proposal and state no objections, subject to conditions.

Public Health

The EHO has raised no objections, subject to conditions.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can,

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Development Contributions

- Dwelling 227sq.m.

SEA Monitoring Information

Building Use Type Proposed – Residential

Floor Area (sq.m) – 227

Land Type – greenfield

Site Area (Ha.) – 0.118

Conclusion

Consideration has been given to the information that has been submitted by the applicant as well as the previous reasons for refusal. However, it is considered that the applicant has not satisfactorily addressed a number of the previous refusal reasons, including rural housing policy. 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 development would be located at a junction on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment and lacks pedestrian, public lighting and drainage facilities, where the generation of additional traffic/turning movements on this heavily trafficked high speed road would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise.

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

2. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans.

The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

3. The proposed site is located in an area zoned Objective RU in the South Dublin County Development Plan 2016 -2022; Policy H22 states that 'it is the policy of the Council that within areas designated with Zoning Objective 'RU' ('to protect and improve Rural Amenity and to provide for the development of Agriculture') new or replacement dwellings will only be permitted in exceptional circumstances. On the basis of the information submitted, the applicant has not provided acceptable justification for a dwelling in relation to genuine need relating to employment and the applicant has not provided evidence of close family links in the area. The applicant has not, therefore, provided adequate evidence of 'exceptional circumstances' that require them to live in this area, external to a built-up settlement. It is therefore considered that the proposed development would be contrary to the provisions of the South Dublin County Development Plan 2016 -2022 and would contravene the zoning objective for the area and, as such would be contrary to the proper planning and sustainable development of the area.

Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

4. Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states:
'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' The applicants have not provided sufficient justification for the setting aside of this policy in this instance.
Taken in conjunction with existing residential development in the area, the proposed dwelling would contribute to excessive development in a rural area lacking certain public services and community facilities, served by a substandard road network to accommodate increased development. As such, the proposed development would materially contravene the objectives of the County Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area and would therefore be contrary to the proper planning and sustainable development of the area.
5. The proposed development is located in an area zoned 'RU': 'To protect and improve rural amenity and to provide for the development of agriculture'. Section 2.5.8 of the South Dublin County Development Plan, 2016-2022 states that dwellings in rural areas should respond appropriately and sensitively to its surrounding rural, mountain and/or river valley context. The applicant has not provided sufficient justification for the location of the dwelling in the Newcastle Lowlands Landscape Character Area, would create ribbon development, contrary to Policy H27: Rural House and Extension Design.
Therefore it is considered that a the proposed development would be contrary to the provisions and objectives of the South Dublin County Development Plan 2016-2022 and would materially contravene the zoning objective for the area and contrary to the proper planning and sustainable development of the area.
6. This proposal constitutes undesirable ribbon development on a substandard rural road network, which will lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area and would be contrary to Policy H27-Objective 1 of the South Dublin County Council Development Plan 2016-2022.


Comhairle Chontae Atha Cliath Theas

PR/0199/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0338

LOCATION: Ringwood, Hazelhatch, Cellbridge, Co. Kildare

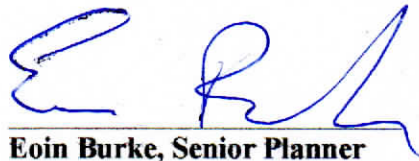


**Tracy McGibbon,
Executive Planner**

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:

15/2/22



Eoin Burke, Senior Planner