

# Comhairle Chontae Atha Cliath Theas

PR/0217/22

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD21A/0348      **Application Date:** 17-Dec-2021  
**Submission Type:** New Application      **Registration Date:** 17-Dec-2021  
**Correspondence Name and Address:** Cross Chartered Building Surveyor 11, An Crois, Allenwood, Naas, Co. Kildare.  
**Proposed Development:** Retention permission for the continuance of use of existing storage building for civil engineering materials and existing steel gated recessed entrance. Permission for new entrance doorway on the side (southeast) elevation serving the internal office, staff canteen, & meeting room with the installation of new windows and fire exit door to the rear (southwest) elevation; installation of proprietary wastewater treatment system and percolation area; staff car parking with one electric car charging point and covered bicycle parking and all associated site works.  
**Location:** Badgerhill, Rathcoole, Co Dublin  
**Applicant Name:** GMC Utilities Group Limited  
**Application Type:** Permission and Retention

(EW)

### Description of site and surroundings

Site visit: 03/02/2022

Site Area: 1.3859 ha

### Site Description

The application site is located in the townland of Badgerhill, located approximately 5 km southwest of Rathcoole and adjacent to the administrative border with Kildare County Council. The site is located on the southern side of a rural road known as the Turf Bog Lane, in the townland of Badgerhill.

The 1.4-hectare site is rectangular in shape with road frontage of c70 metres and a site depth of 201 metres. The boundary treatment of the application site comprises hedging and fencing along the public road, with access provided via a gravel driveway that leads from the public road at the north-east (front) of the site. Domestic planting bounds the site to east and west and there is hedging to the south.

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The subject site is currently occupied by an existing 1443sq.m structure which is presently in use as a storage facility for civil engineering materials and is in the ownership of GMC Utilities Group who are a civil & engineering company across multiple utility platforms

A single-storey dwelling with horse stables is located on lands adjoining the site to the east. There are a number of residential properties further north and north-east of the site and to the west of the site, there is an industrial site named the Oldmill Industrial Estate containing two large warehouse buildings, which is located within the Kildare County Council area.

### Proposal:

- Retention for the continuance of the use of the existing storage building for civil engineering materials and existing steel gated recessed entrance.
- Permission for new entrance doorway on the side (southeast) elevation serving the internal office, staff canteen, & meeting room with the installation of new windows and fire exit door to the rear (southwest) elevation; installation of proprietary wastewater treatment system and percolation area; staff car parking with one electric car charging point and covered bicycle parking and all associated site works.

### Zoning

The subject site is subject to zoning objective 'RU' - 'To protect and improve rural amenity and to provide for the development of agriculture' under the South Dublin County Council Development Plan 2016-2022.

### Consultations:

*Roads Section –*

*Surface Water Drainage –*

*Irish Water-*

*Environmental Health Officer-*

*An Taisce*

*Parks and Public Realm –*

*Heritage Officer-*

*Planning Enforcement-*

*Pollution Control-*

*Public Lighting-*

*Waste Management-*

*Fire Officer*

*County Kildare-CEO*

Refusal – Hazardous rural road

Further Information requested.

No objections subject to conditions.

No objections subject to conditions.

No objections subject to the impact on amenity.

No comments at time of report.

No comments at time of report.

No comments at time of report.

No comments at time of report.

No comments at time of report.

No comments at time of report.

No comments at time of report.

No comments at time of report.

SEA Screening: *Overlap indicated with Rural 2016.*

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### **Submissions/Observations /Representations**

None received.

### **Site Planning History**

**SD06A/0181 – Refuse Outline Permission** for a dormer bungalow, detached garage, Biocycle effluent treatment system, vehicular access and associated site works.

**S00A/0444 – Permission Refused** for a change of use of the Oldmill Riding School to a repair and maintenance depot for applicant's vehicles and machinery.

**ABP 06S.121407** Appealed to An Bord and **Refused Permission. (20<sup>th</sup> Apr 2001)**

### **Relevant Enforcement History**

S5624 - Turf Bog Lane, Badgerhill, Rathcoole, Co. Dublin (Date closed – 09.11.2009)

### **Pre-Planning Consultation**

None for this proposal.

### **Relevant Policy in South Dublin County Council Development Plan (2016-2022)**

*Section 2.5.5 Rural Housing In HA – Liffey Valley and HA – Dodder Valley  
Policy H24 Rural Housing in HA – Liffey Valley and Dodder Valley*

*Section 2.5.6 Replacement Rural Dwellings  
Policy H25 Replacement Dwellings in Rural and High Amenity Areas*

*Section 2.5.7 Rural Dwelling Occupancy  
Policy H26 Occupancy Condition*

#### *4.6.0 Rural Economy*

*In rural areas of the County there is a need to balance the need for social and economic activity with the protection of the environment and character of the rural landscape. Through zoning and development management objectives, it is the intention of the Council to restrict development in rural areas to appropriate forms of development that have a social or economic connection to the local area.*

**ECONOMIC AND TOURISM (ET) Policy 9 Rural Economy**

It is the policy of the Council to support sustainable rural enterprises whilst protecting the rural character of the countryside and minimising environmental impacts.

ET9 Objective 1:

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To support and facilitate sustainable agriculture, horticulture, forestry and other rural enterprises at suitable locations in the County.

ET9 Objective 2:

To support farm diversification and agri-tourism, where a proposed business initiative is subordinate to the primary agricultural use of the site, subject to traffic and environmental safeguards.

ET9 Objective 3:

To protect agriculture and traditional rural enterprises from unplanned and/or incompatible urban development.

ET9 Objective 4:

To support sustainable forestry development at suitable locations in the County, subject to the protection of the rural environment, sensitive areas and landscapes.

*Section 11.3.4 (iii) Wastewater Treatment*

*Policy HCL1 Heritage, Conservation and Landscapes*

*Policy HCL2 Archaeological Heritage*

*Section 9.2.0 Landscapes*

*Policy HCL7 Landscapes*

*Section 8.1.0 Green Infrastructure Network*

*Policy G2 Green Infrastructure Network*

*Section 8.2.0 Watercourses Network*

*Policy G3 Watercourses Network*

*Section 9.2.1 Views and Prospects*

*Table 9.2: Prospects to be Preserved and Protected*

*Policy HCL8 Views and Prospects*

*Section 9.2.3 Dublin Mountains*

*Policy HCL9 Dublin Mountains*

*Section 9.2.4 Liffey Valley and Dodder Valley*

*Policy HCL10 Liffey Valley and Dodder Valley*

*Section 9.3.0 Natural Heritage Sites*

*Section 9.3.1 Natura 2000 Sites*

*Table 9.3 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

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*Section 9.3.2 Natural Heritage Areas*

*Table 9.4 Proposed Natural Heritage Areas*

*Policy HCL13 Natural Heritage Areas*

*Section 9.3.5 Non-Designated Areas*

*Policy HCL15 Non-Designated Areas*

*Section 9.4.0 Public Rights of Way and Permissive Access Routes*

*Policy HCL16 Public Rights of Way and Permissive Access Routes*

*Section 9.7.0 Sites of Geological Interest*

*Table 9.6 County Geological Sites for Protection*

*Policy HCL19 Geological Sites*

### ***Section 11.3.7 Agriculture & Rural enterprise***

#### **11.3.7 Agriculture & Rural enterprise**

Proposals for farm diversification that involves the development of sustainable business initiatives that are subsidiary to, and directly linked to the primary use of a property for agriculture will generally be favourably considered up to a floor area of 200 sq.metres (net). Developments in excess of this threshold will be assessed as independent enterprises.

The development of new Rural Enterprises will be encouraged on lands designated with Zoning Objective RU where:

- The scale and nature of the proposed development and associated buildings are appropriate to the rural setting, and are in areas of low environmental sensitivity,
- It is demonstrated that the proposed enterprise is required to be located in a rural area,
- The proposal will not adversely affect the character and appearance of the landscape,
- The local road network and other essential infrastructure can accommodate any extra demand generated by the proposal.
- Where possible, the proposal involves the re-use of redundant or underused buildings that are of value to the rural area, and
- Where safe access to the public road network can be achieved.

*Section 11.3.8 Extractive Industries*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.2 Appropriate Assessment*

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*Schedule 1: Record of Monuments and Places*

*Schedule 4: Restricted Areas for Development Glenasmole Bohernabreena*

### **Relevant Government Policy**

*Eastern & Midland Regional Assembly, Regional Spatial & Economic Strategy 2019-2031  
The Planning System and Flood Risk Management Guidelines for Planning Authorities,*  
Department of the Environment, Heritage and Local Government and OPW (November 2009)  
*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning  
Authorities,* Department of the Environment, Heritage and Local Government, (2009).

### **Planning Note**

The Planning Authority has identified the following issues with the documentation provided by the Applicant:

- **Cover Letter and Statutory Notices** – It is noted as per the cover letter submitted by *Cross Chartered Building Surveyor* dated 14<sup>th</sup> December 2021 the following:

*“The proposal is to upgrade the premises by fitting out a portion for office, lecture room, canteen, toilets and training area” “There will be a maximum of 8 trainees, 1 lecturer and 1 caretaker on site at any one time. The remainder of the building will continue to be used for storage”*

It appears from the Cover Letter that the Applicant intends to operate a ‘training use’ onsite however the Statutory Notices make no reference to this use and therefore the Planning Authority is concerned that the Statutory Notices do not adequately describe the proposed development. Had the application been considered otherwise acceptable, clarification in relation to the scope of the application could have been sought, by way of additional information.

### **Assessment**

The main issues for assessment are:

- Zoning and Council Policy
- Visual Amenity
- Screening for Appropriate Assessment
- Environmental impact assessment

### ***Zoning and Use***

The area is zoned Objective ‘RU, which seeks ‘To protect and improve rural amenity and to provide for the development of agriculture’.

The zoning objective ‘RU, does not permit the following:

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- Industry-general, Industry-light and Industry Special.
- Transport Depot
- Warehousing

Therefore, the proposed development comprising retention use of a storage building for civil engineering materials is not permitted within the RU zoning of the site.

### *Council Policy*

Under section 4.6.0 Rural Economy, it is the policy of the Council to support sustainable rural enterprises whilst protecting the rural character of the countryside and minimising environmental impacts.

Section 11.3.7 Agriculture & Rural enterprise, seek to support proposals for farm diversification that involve the development of sustainable business initiatives, where such proposal are subsidiary to, and directly linked to the primary use of a property for agriculture. The current application, which seeks the retention of the existing storage building for civil engineering materials is not farming related and would not be appropriate to the rural setting at this location.

The development of new Rural Enterprises will be encouraged on lands designated with Zoning Objective RU where:

- *The scale and nature of the proposed development and associated buildings are appropriate to the rural setting, and are in areas of low environmental sensitivity,*  
The current application would seek permission to retain the use of the subject building for the storage of civil engineering materials. This is not an agricultural use associated with a rural setting.
- *It is demonstrated that the proposed enterprise is required to be located in a rural area,*  
The applicant purchased the site in 2005 for use as storage of civil engineering materials, however the site is in a rural setting with residential properties north and east of the site. Accordingly, *the applicant has not demonstrated that the proposed enterprise is required to be located in a rural area, The proposal will not adversely affect the character and appearance of the landscape,*  
The retained usage of the storage building contravenes the CDP RU zoning objective as it is not subsidiary to or directly linked to the primary use of a property for agriculture.
- *The local road network and other essential infrastructure can accommodate any extra demand generated by the proposal,*

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The roadway serving the site is substandard in width and alignment, has no footpaths and would not be suitable to serve as an access to development of the type proposed. A report has been received from the SDCC Roads Department, and concerns have been raised that any additional traffic generated by the subject development onto a substandard laneway would endanger public safety by reason of traffic hazard and obstruction of road users.

- *Where possible, the proposal involves the re-use of redundant or underused buildings that are of value to the rural area, and*

The proposal does not use an underused building of value to the rural area.

- *Where safe access to the public road network can be achieved.*

The additional commercial traffic generated by the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users.

### ***Visual and Residential Amenity***

The large single storey structure has an exterior wall height of 3.6m and an additional 7.2m roof ridgeline height, with a width of 34.9m and length 38.2 sqm and has one entrance on the side (north east) elevation and rear (north west) elevation. Two windows are inserted on the south west elevation of the building for the toilets. The structure is built with basic brick and a galvanised roof containing 32 roof lights.

The proposal also seeks Planning Permission for three new window opens and a door on the (south west) side elevation providing light into a proposed new office/meeting room/changing room space that reaches 102sq.m. One large entrance door is proposed to front (south-east) elevations that leads to the offices. The additional windows/doors are the only external changes and would be consistent with the existing windows in material shape and form and considered acceptable. The proposed alterations would enhance accessibility throughout the storage building by persons working within the structure, however, given the nature, scale and location of the development, there would be adverse impacts by the intensification of this rural site and by the intensification of its use on the local road network and other essential infrastructure to accommodate any extra demand generated by the proposal.

As such, the proposal contravenes the following relevant policies, standards and requirements of the South Dublin County Council Development Plan 2016-2022, Economic and Tourism (ET) Policy 9 Rural Economy:

*ET9 Objective 2:*

*To support farm diversification and agri-tourism, where a proposed business initiative is subordinate to the primary agricultural use of the site, subject to traffic and environmental safeguards.*

*ET9 Objective 3:*



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To protect agriculture and traditional rural enterprises from unplanned and/or incompatible urban development.

Having regard to the above objectives and notwithstanding the surrounding land uses to the west, it is considered that the proposed permission and retention use of the storage building to accommodate an office/meeting room is not permitted within the RU zoning of the site and will adversely impact on the safety of the surrounding road network by intensification of use and therefore a refusal of retention and permission is recommended.

### **Roads**

A report was received from the Roads Department and recommends **Refusal**. An extract from the Roads report is provided below for clarity.

### Access:

The site is located on the southern side of a rural road known as the Turf Beg Lane (L2019), in the townland of Badgerhill circa. 5 km southwest of Rathcoole and adjacent to the County Kildare border. The existing access is located north onto Turf Beg Lane (L2019).

The applicant has mentioned there will be no more than 10 cars entering and existing the premises daily during the provision of training and the stores will receive goods weekly, and materials will be forwarded to sites daily, this will amount to one container truck per week and goods out will be delivered by van or picked up daily.

SDCC Roads Department is concerned that any additional traffic generated by the subject development onto a substandard laneway would endanger public safety by reason of traffic hazard and obstruction of road users. Accordingly, the Roads Department have recommended refusal of the subject application on the following grounds;

*“The roadway serving the site is substandard in width and alignment, has no footpaths and public lighting and would not be suitable to serve as an access to development of the type proposed. Any additional traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.”*

### ***Surface Water Drainage***

In relation to surface water, a report received from the Water Services Department requests additional information relating to soil percolation test results, design calculations the surface water layout, SuDS measures and surface water attenuation and soakaways for the proposed development.

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The Water Services Report also requested:

- 1.3** The applicant is required to submit a drawing showing the proposed car parking area to be finished with a porous surface such as porous asphalt, grass paving, gravel paving or permeable block paving.

### Flood Risk

- *The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*
- *All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.*
- *All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

Having regard to the recommendation of the Water Services Department, it would be considered appropriate to acquire the outstanding information had the application been considered otherwise acceptable, however the subject development is not deemed suitable at this location and refusal is recommended.

### ***Irish Water***

Irish Water have no objection subject to the applicant or developer entering into water and waste water connection agreement(s) for both water and foul.

The above would be applied by condition in the event of a grant of permission, however the subject development is not suitable at this location and refusal is recommended.

### ***EHO***

The EHO report states no objections subject to conditions regarding noise, air quality and wastewater treatment.

### ***Screening for Appropriate Assessment***

Given the nature, scale and location of the development and proximity to a Natura 2000 site a Stage 2 Appropriate Assessment is not required.

### ***Environmental Impact Assessment***

Having regard to the documentation submitted with the application and to the nature, scale and location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development.

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### *Development Contributions*

#### **Development Contributions Assessment Overall Quantum**

Development Contributions apply accordingly.

- Proposed Internal office space: 102sq.m
- Retained storage building; 1443sq.m

### **SEA Monitoring Information**

Building Use Type Proposed: Proposed Office 102sq.m/Storage Building 1443sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 1.3859 ha

### **Conclusion**

The application site is subject to zoning objective 'RU' - '*To protect and improve rural amenity and to provide for the development of agriculture*' under the South Dublin County Council Development Plan 2016-2022. The proposed development comprising retention use of a storage building and permission for internal office is not permitted within the RU zoning of the site. It is the intention of the Council to restrict development in rural areas to appropriate forms of development that have a social or economic connection to the local area. The proposal contravenes the relevant policies, standards and requirements of the Economic and Tourism (ET) Policy 9 Rural Economy the *ET9 Objective 3*: To protect agriculture and traditional rural enterprises from unplanned and/or incompatible urban development.

It is further noted that the roadway serving the site is substandard in width and alignment, has no footpaths and public lighting, and would not be suitable to serve as an access to the development of the type proposed. Any additional traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. It is therefore recommended that the subject application shall be refused.

### **Recommendation**

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

### **SCHEDULE**

### **REASON(S)**

1. The subject application, which would seek retention permission for the continuance of use of the existing storage building for civil engineering materials, would involve a use that is identified as 'Not Permitted' within Table 11.16 of the South Dublin County Council

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Development Plan 2016-2022 and would fail to meet the RU Zoning Objective of the site which seeks to 'To protect and improve rural amenity and to provide for the development of agriculture'. Furthermore, the subject application is considered to constitute an inappropriate and incompatible form of urban development that does not have any social or economic connection to the local area and therefore would fail to comply with Section 11.3.7 'Agriculture & Rural Enterprise' as well as the requirements of the Economic and Tourism (ET) Policy 9 Rural Economy Objective 3: of the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

2. The application site is served by a roadway that is substandard in width and alignment, has no footpaths and public lighting and therefore is not considered to be suitable to serve as an access to the development of the type proposed. The development, if granted, would therefore endanger public safety by reason of traffic hazard and obstruction of road users and be contrary to the proper planning and sustainable development of the area.

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**REG. REF. SD21A/0348**  
**LOCATION: Badgerhill, Rathcoole, Co Dublin**

*Colm Harte*

**Colm Harte,  
Senior Executive Planner**

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

**Date:**

21/2/22

*Eoin Burke*  
**Eoin Burke, Senior Planner**