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09 September 2022

Planning and Transportation Dept  
South Dublin County Council  
County Hall  
Tallaght  
Dublin 24

To SDCC Planning Portal.

**RE: Third Party Observation Reg. Ref. No. SD22A/0322**  
Demolition of all existing derelict structures on the site and the construction of 18 residential units provided in 2 separate blocks on ands at former McEvoy's Pub, Main Street, Newcastle, Co. Dublin for Rathgearan Ltd

Dear Sir/Madam.

I am a Planning Consultant and have been instructed by the following persons to lodge this Third-Party Observation in relation to the above application for planning permission.

Brendan Hackett, Hazelhatch Road, Newcastle, Co. Dublin, (owner and occupier of a dwelling to the north of the Site),

Frank Kerins, The Old Glebe, Main Street, Newcastle, Co. Dublin, (owner and occupier of a Protected Structure east of the Site,

Daniel O'Sullivan, Auburn Lodge, Main Street, Newcastle, Co. Dublin (owner and occupier of two storey detached dwelling opposite Site) and

Fergus Kane, Primrose Lodge, Athgoe Road, Newcastle, Co. Dublin, (owner and occupier of detached bungalow opposite the Site).

Yours faithfully

  
James McInerney, Planning Consultant.

Attached:

- (i) Observation Fee €20.00 SDCC Receipt No. T4//0/15425

## **Third Party Observation Reg. Ref. No. SD22A/0322**

I am a Planning Consultant and have been retained by to prepare and lodge this Third-Party Observation in respect to the below planning application for permission.

The Observers are not opposed to the construction of dwelling units on the Site. They are concerned about its overall scale and height not being in keeping with the existing character of the area. The Observers support National and Regional Policies in relation to the providing of housing but are of the view that the proposed development does not protect the existing residential and rural amenity by reason of its scale and density and is not in portion to the pattern and grain of the western side of Newcastle Village. As such the proposed development will have an adverse on protected structures and recorded monuments in the vicinity.

### **1.Planning Application.**

#### **Reg. Ref. No. SD22A/0322.**

Planning Application submitted on 08 August 2022 for permission for development consisting of:

Demolition of all existing derelict structures on the site and the construction of 18 residential units provided in 2 separate blocks; Block 1 will be 3 storeys high and will contain 12 units; Block 2 will be two storeys high and will contain 6 units; The 18 units consist of 6 one bed apartments, 6 two bed apartments, 3 three bed duplexes and 3 three bed apartments; Ancillary development including reusing existing vehicular access/egress off Hazelhatch Road, providing a new vehicular egress (only) onto Main Street, car and cycle parking, open space, landscaping, boundary treatment (including existing stone wall at east side of the site to be partially removed, along with gates, with main portion of wall repaired and lowered), footpaths, circulation areas and all associated site works at lands at former McEvoy's Pub, Main Street, Newcastle, Co. Dublin for Rathgearan Ltd.

Latest date for receipt of Observations - 12 September 2022.

### **2. Site.**

The Site has a stated area of 0.95 hectares comprising of two parcels of land,

- area bounding onto Main Street and Hazelhatch Road occupied by derelict structures, former public house and former dwelling house and
- area to the rear occupied by a Motte, listed under Sites and Monument Record Reference DU020003001.

The Site is a corner site located at the western edge of Newcastle Village and at the junction of Main Street (R120) and Hazelhatch Road (R405), in the medieval historic part of Newcastle Village.

Hazelhatch Road –

The eastern side of consists of detached single/two storey detached dwellings on large curtilages. The western side consists of agricultural fields and has an agricultural structure opposite the site.

Main Street –

The northern side consists of 3 No Protected Structures, St. Finian's Church of Ireland (Church & Cross (RM) and Medieval Four Storey House and The Old Glebe, the old village shop, Community Centre and a recent new residential/commercial development at Market Square. A Village Green fronts St. Finian's Church The southern side of Main Street consists of single/two storey detached dwellings on large curtilages, St. Finian's Way a new residential development and Protected Structures.

The Site has a recessed existing vehicular access onto the Hazelhatch Road close to the northern boundary of the Site in close proximity to a bend on the road.

Newcastle Village under the current Development Plan is designated as a Self-Sustaining Growth Town within the Newcastle/Saggart/Rathcoole/City West Neighbourhood Area. The population in 2016 was 3,093 persons and expected to grow to 5,039 by 2028 and can therefore be categorised as a medium-small-town. Newcastle Village has limited public transport provision and social services to date.

The Site is included as part of the Main Street Neighbourhood under the Newcastle Local Area Plan 2012-2022 Plan Lands and is categorised as Undeveloped Zoned Lands. Under the NLAP this western end of Main Street is to be established as a Historic/Cultural Core of the Village.

### **3. Planning History Site.**

#### **Reg. Ref. No. S01A/0243.**

Development: Retention of minor alterations to toilet block and retention and completion of conversion of ladies to lounge space of protected structure, at rear of McEvoy's Public House, Newcastle, Co. Dublin for McEvoy.

Decision: Grant Permission

Final Grant: By order dated 16 November 2001

#### **Reg. Ref. No. SD06A/0026 & PL06S.220186**

Development: Mixed commercial and residential development. The development will consist of: (i) the demolition of the remainder of existing fire damaged pub, ancillary outbuildings and derelict cottage; (ii) the retention of the existing basement (57sq.m.) and its enlargement by 18sq.m. to 75sq.m; (iii) the redevelopment of the public house (489.26 sq. m) at ground floor level and an adjacent Off-Licence (65 sq.m) with separate entrance; (iv) a restaurant at first floor level (515.88 sq.m.) with autonomous entrance at ground floor level; (v) 2 no. ground floor commercial units of 82.4 sq.m. and 97.5 sq.m respectively; (vi) 2 no. first floor office units of 94.8 sq.m and 98.5 sq.m respectively. (vii) 2 no. 2 bedroom apartment units at ground floor level of 85 sq.m. each and 2 no. 2 bedroom apartment units at first floor level of 83 sq.m each; (viii) ancillary site works including drainage, car parking, landscaping, bin and bike store (15.27 sq.m) and ESB sub-station; (ix) Proposed new low wall and railings including gates (overall height 2 m) between car park and motte site at McEvoy's Public House, Main Street, Newcastle, Co. Dublin for Mr. & Mrs. Paul & Aisling Van Lonkhuyzen

Decision: Grant Permission & Retention Permission by Order dated 28 September 2006.

Condition Nos 2 and 3 required a reduction in the scale of the proposed development. Appeal

Decision: Refuse Permission by Order dated 06/06/2007

#### **Reg. Ref. No. SD19A/0311 (North of the Site).**

Development: 4 dormer style bungalows and all auxiliary works at 4 dormer style bungalows and all ancillary works at Hazel Hatch Road, Newcastle, Co. Dublin for Carmel Flynn.

Decision: Refuse Permission

Date: 27 November 2019.

#### **Reg. Ref. No. SD22A/0331 (East of Site).**

Development: Application for retention permission for development at this site, lands at former Mc Evoy's Pub, Main Street, Newcastle, Co. Dublin. the development consists of a temporary mobile coffee/retail kiosk using a modified van, with associated signage, to be used as a facility for serving take away coffee and snacks during the hours of 7.00am and 4.00pm. the mobile kiosk will be removed out-side of these hours at Lands at former McEvoy's Pub, Main Street, Newcastle, Co. Dublin for Damien Donnegan & Fiona Mc Donald

Decision Due: 10 Oct 2022.

### **4. South Dublin County Development Plan 2022-2028.**

The Application falls for consideration under the South Dublin County Development Plan 2022-2028 and the Newcastle Local Area Plan 2012-2022. In 2017, the NLAP was extended for a further period up to 9 December 2022.

#### **Zoning.**

The Site generally is located within an area subject to Zoning Objective 'RES' – *"To protect and/or improve residential amenity"*. Residential such as the proposed development is 'Permitted in Principle', subject to further assessment against the relevant policies, objectives and standards set out under of the Development Plan. A small portion to the south-east along Main Street is located within an area subject to Zoning Objective 'OS' – *"To preserve and provide for open space and recreational amenities"*. Another small portion to the north-east is subject to Zoning Objective 'RU' – *"To protect and/or improve rural amenity and to provide for the development of agriculture"*.

The Site is bounded to the north-east and north-west by lands subject to Zoning Objective 'RU' – *“To protect and/or improve rural amenity and to provide for the development of agriculture”*. Residential development in a 'RU' Zone is only 'Open for Consideration' in accordance with Council policy for residential development in rural area.

The Site is opposite lands at the junction of Hazelhatch Road/Main Street/Athgoe Road which is subject to Zoning Objective 'RES-N' – *“To provide for new residential communities in accordance with approved area plans”*. Residential developments are 'Permitted' on these lands.

The Site as such is located within a Transitional Area defined under **Paragraph 13.1.1 Land-Use Zoning Tables** of the Development Plan:

*Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale, and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.*



Extract from 08-Sheet-Map-07

It is proposed to provide the public open space to serve the proposed development within an area Zoned 'OS' and to provide car parking and road surfaces within an area Zoned 'RU'. These aspects of the proposed development are outside the area of Site which is contained within an area Zoned 'RES'. Under Paragraph **13.1.1 Land-Use Zoning Tables** of the Development Plan, Open Space is 'Permitted' within Zone 'OS' and Car Park is 'Open for Consideration' with Zone 'RU' subject to the qualification *“for small-scale amenity or recreational purposes only”*.

The Application failed to demonstrate that the provision of public open space within a Zoned 'OS' area and the provision of car parking within a Zoned 'RU' area, complies with the relevant Policies, Objectives, Standards and Criteria set out in the Development Plan. The provision of the car parking in connection with a residential development is contrary to the 'RU' zoning Objective.

The grant of planning permission for a residential development on Zoned 'RES' lands with ancillary services outside said zone is setting a dangerous precedent. Such a precedent will encourage developers in similar situations to provide the dwellings solely of Zoned 'RES' or 'RES-N' and providing large areas of public open space within a different zone. This constitutes rezoning by the back door. It was open to the Applicant to have sought to have the different zones in question rezoned under the recent review of the Development Plan.

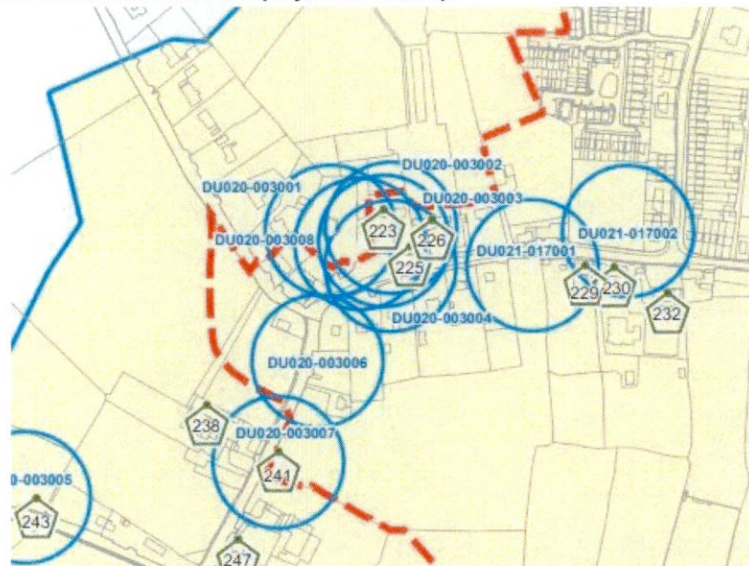
The whole of the public open space and the car parking area serving the proposed residential development should be within lands with Zoning Objective 'RES'.

**Appendix 3A Record of Protected Structures (adjacent to Site).**

RPS Ref.	Address	Description
223	St. Finian's Church of Ireland	Church & Cross (RM)
225	St. Finian's Church of Ireland	Medieval Four Storey House with
226	The Old Glebe	House, Tower (RM).

**Note:** RPS Ref. 234 - The existing ruin on the Site was a Thatched Dwelling (McEvoy's Public House) and was removed from the Schedule of Protected Structures in June 2005, arising from severe damage caused to the structure following a fire in June 2004.

**Appendix 3B Sites and Monuments Record (adjacent to Site).**



Extract from Fig. 4.1 Location of Recorded and Recently Excavated Sites of Archaeological Importance NLAP

Sheet	Map Ref	Description	Address / Location	Recorded Monument and Places Ref
Map 07	R149425	Castle - tower house	Newcastle North	DU021-017002
Map 07	R149425	Castle - motte	Newcastle North	DU020-003001
Map 07	R149425	Castle - tower house	Newcastle South	DU020-003006
Map 07	R149425	Fulacht fia	Ballynakelly, Commons Little	DU021-095
Map 07	R149425	Ritual site - holy well	Newcastle farm	DU020-003005
Map 07	R149425	Cross	Glebe (Newcastle by., Newcastle ed)	DU020-003003
Map 07	R149425	Castle - tower house	Newcastle south	DU020-003007
Map 07	R149425	Graveyard	Grange (Newcastle by.)	DU020-003010
Map 07	R149425	Settlement deserted - medieval	Newcastle South, Cornerpark, Glebe (Newcastle by., Lucan ed), Newcastle Demesne, Newcastle farm	DU020-003008
Map 07	R149425	Castle - tower house	Glebe (Newcastle by., Newcastle ed)	DU020-003004
Map 07	R149425	Church	Newcastle North	DU020-003002
Map 07	R149425	Well	Newcastle South	DU021-017001

The Site is also included within a Zone of Archaeological Potential and an Architectural Conservation Area. Policy NCBH19:

*Protected Structures Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.*

NCBH19 Objective 1:

*To ensure the protection of all structures (or parts of structures) and their immediate surroundings including the curtilage and attendant grounds of structures identified in the Record of Protected Structures.*

The scale of the proposed development represents an increase in floor area of 24.3% above the previous proposed development refused permission by An Bord Pleanála (referred to in more detail in this Observation). The Board directed that the scale of the development would have an adverse impact on adjoining protected structures and recorded monuments. Consequently it can be considered that the proposed development does not comply with Policy NCBH19 and Objective 1.

## **5. Architectural Conservation Area.**

The Site is located within the Architectural Conservation Area.

### **Policy NCBH20:**

*Architectural Conservation Areas Preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas.*

### **NCBH20 Objective 3:**

*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.*

The monolithic block 2/3 storeys high will be out of character with the prevailing height of two storey. Its location with the western historic part of the Village will adversely impact on the special character and visual setting of the ACA, contrary to the above Policy and Objective. It will not add quality to the streetscape and partially block the roofscape of St. Finian's Church.

## **6. Newcastle Local Area Plan 2012-2022**

**Paragraph 5.5.2.3 Historic/Cultural Core** of the NLAP, seeks to establish an Historic/Cultural quarter around the cluster of upstanding medieval monuments and historic structures (St Finian's Church of Ireland Church and Stone Cross, the adjoining Glebe House and Tower House, the Motte and Newcastle Farm) at the heart of Newcastle's medieval core.

The NLAP has the following Objectives in respect to the Historic/Cultural Core.

### **Objective LUD4 states:**

*That development at the western end of Main Street contributes to the establishment of an Historic/Cultural quarter and enhances the views and setting of upstanding monuments. Development in the Historic/Cultural quarter shall incorporate built and natural heritage features wherever possible including archaeological features discovered during archaeological investigation.*

### **Objective LUD5 states:**

*Development of the former public house at the north-eastern corner of the junction between Main Street and Hazelhatch Road shall include a sensitively designed gateway feature that announces the approach into Newcastle and its Historic/Cultural quarter. This could include for the incorporation of elements from the former public house structure and any archaeological material found on site. Development of this site shall be sensitive to the setting to the Motte and Saint Finian's Church of Ireland Church and should incorporate views of the Motte and Church, where possible, within the buildings overall design setting.*

The provision of a high density two/three storey, apartment/duplex residential development on the Site will have an adverse effect on protected structures and recorded monuments in the vicinity contrary to Objective LUD4 and LUD5.

## **Paragraph 5.5.4 Settlement Edge.**

The NLAP seeks the provision of softer edge around Newcastle Village in the form of residential development abutting the open countryside. It seeks an appropriate counterbalance between by creating a softer transition to the rural hinterland. **Objective LUD8** states:

***Residential development within the Settlement Edge shall consist of low density detached and semi-detached residential housing (15 – 20 dwellings per Hectare) on large garden plots. Such housing shall provide an appropriate and soft transition with the adjoining open countryside and shall be set amongst generously planted streets and open spaces that includes for semi-mature planting.***

### 7. Proposed Scale, Form and Design of Proposed Development.

An acceptable scale, form, and design for a proposed development on this Site must not constitute overdevelopment, must be an appropriate form of design for the area, that would not adversely affect the character, heritage value and setting of protected structures and recorded monuments and that would not be in conflict with the objectives of the development plan and the Newcastle Local Area Plan.

The Site is located within **Neighbour 1: Main Street (West)** of the NLAP.

#### 6.3 Neighbourhood 1: Main Street (West)

Main Street (West)	
Gross Area	7.3 Ha.
Net Area	Dependent on extent of infill development
Land Use Type	Mixed – Residential, education, retail, flexible commercial use units, civic, community and tourism
Residential Density	30-35 dwellings per hectare (in general)
Estimated Yield	Dependent on extent of infill development & mix of uses
Dwelling Type	Terraced town houses with limited opportunity for duplexes and apartments
Building Height	Two storeys
Street Type	Main Street
Public Open Space	Village Green and Market Square
Car parking	On-street parking to be made available where possible otherwise to the rear of retail developments and in-curtilage for residential developments.
Special Character Features	<ul style="list-style-type: none"> <li>• Directly accessible from all neighbourhoods with exception of Ballynakelly Cottages.</li> <li>• A diverse mix of land uses to include civic, community and tourism uses.</li> <li>• Strong street edges created by direct building frontages that present multiple openings and active edges to encourage on-street activity.</li> <li>• Market square with a mix of commercial, community and residential uses around its perimeter and a landmark building to include a built element with a maximum height of 9 metres.</li> <li>• Retain and enhance Village Green.</li> <li>• Expanded/new school site with playing fields.</li> <li>• Maintain rural character at western end to soften village edge and preserve protected views from Hazelhatch Road.</li> </ul>

The following should be noted in respect to the above.

**Resident Density:** 30-35 dwellings per hectare:

The proposed density is 41 dwelling per hectare. The Site is located at the settlement edge of the Village as per Table 5.4 Recommended Densities and Uses for Settlement Edge. Objective LUD8 of the NLAP requires a density of 15-20 houses per hectare. The Site also includes three different zoned areas, and its proposed scale is not appropriate. 30-35 dwelling per hectares will be injurious to the residential and rural amenities of the area and adversely the character of protected structures and recorded monuments. A reduced quantum of development is being imposed on lands opposite the Site at the Athgoe Road Junction and the prevailing density in the vicinity is low density. A density of 30-35 dwellings per hectare on a Site measuring less than 1hectare and surrounded on all sides by low density developments and indicative low density is inappropriate.

**Dwelling Type:** Terraced town houses with limited opportunity for duplexes and apartments.

18No. Apartments are proposed, with 11No. Apartments having own door. Objective LUD8 of the NLAP seeks the provision of low density detached and semidetached houses on large garden plots.

Building Height- Two storey.

Block 1 containing 12No. Units is three storeys high.

Special Character Features:

Maintain rural character at western end to soften village edge and preserve protected views from Hazelhatch Road.

**Paragraph 6.3.4 Build Form** of the NLAP has the following Objective in respect to the Site.

**Objective MSW12:**

*The redevelopment of former public house site at the north-east corner of the junction between Hazelhatch Road and Main Street with a cultural/tourist gateway element is permissible subject to protection of the views and setting of the Village Motte, Saint Finian's Church of Ireland Church and Village Green and the implementation of a design that is sensitive to the scale, height and character of the Historic/Cultural Core. Development of the former public house site should create a vista of the Motte that is viewable from the public realm and an element that overlooks the Motte from within.*

The proposed development does not comply with the above objective:

- the extent of the footprint of the proposed blocks and the 3storeys height to Block 1 interferes with the views and setting of the Village Motte and St. Finian's Church.
- The design is not sensitive to the scale, height, and character of the Historic/Cultural Core and
- Only narrow vista of the Motte is available from the public realm due to the length of the proposed build frontages.

The criteria set out in 6.3 Neighbourhood 1: Main Street (West) has not been complied with in respect to Density, Dwelling Type and Height and Special Character Features as follows:

**Density.**

The Application alludes to the applicable density for the Site as being:

- *Edge of centre sites-densities to a range of **20-35 dwellings per hectare** and explains: The proposed density is 41 units per hectare which is marginally higher than the recommended guidelines but given it is a key gateway site it is submitted that flexibility should be afforded in this particular circumstances. The density does not have any material impact on any neighboring properties.*

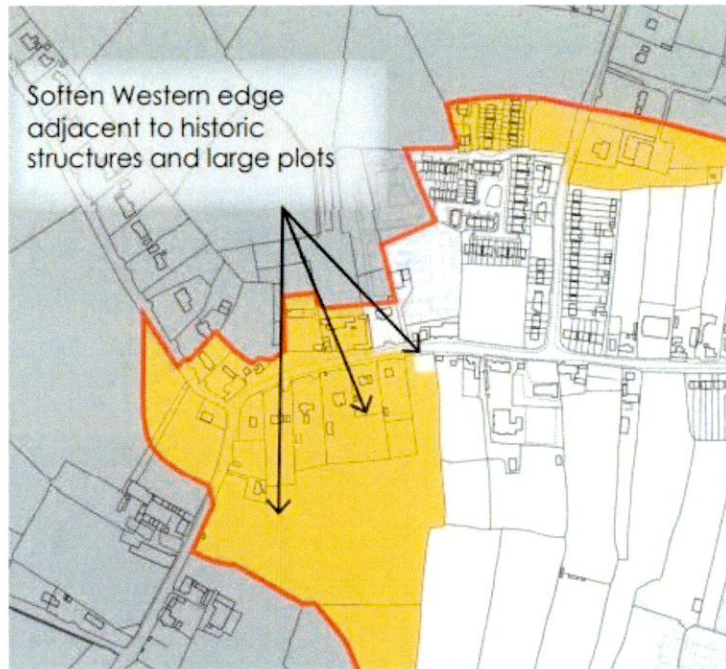
**Objective LUD8** states:

*Residential development within the Settlement Edge shall consist of low density detached and semidetached residential housing (15 – 20 dwellings per Hectare) on large garden plots. Such housing shall provide an appropriate and soft transition with the adjoining open countryside and shall be set amongst generously planted streets and open spaces that includes for semi-mature planting.*

The Application provides no justification for such a high density on the western end of the Village and in keeping with the existing densities and for not complying with Objective LUD8.

The Site is located within the 'Settlement Edge' of the Village as per Fig 5.10 of the NLAP below.





Extract from Fig. 5.10 Softened Settlement (NLAP).

**Paragraph 5.5.4 Settlement Edge** of the NLAP states:

*The 2003 Local Area Plan sought to create settlement edge around Newcastle Village in the form of residential development that abuts the open countryside. It is now proposed to soften the settlement edge across remaining undeveloped pockets of land located to the north, north-west, west, south and south east fringes of the Plan Lands in order to create a more appropriate transition between town and countryside.*

**Objective LUD8** states:

*Residential development within the Settlement Edge shall consist of low density detached and semidetached residential housing (15 – 20 dwellings per Hectare) on large garden plots. Such housing shall provide an appropriate and soft transition with the adjoining open countryside and shall be set amongst generously planted streets and open spaces that includes for semi-mature planting.*

**Paragraph 5.5.8 of NLAP** states:

*Recommended densities across the Plan Lands therefore range from low to medium density depending on relationship to the Village. The uses and net average densities within the three identified Character Areas are set out accordingly in the table below.*

Table 5.4 Recommended Densities and Uses

Character Area	Primary Use	Net Average Density per Ha.
The Village Core	Mixed	30 - 35
Village Expansion	Residential with local shopping & services	25 - 30
Settlement Edge	Residential	15 - 20*

Note: To facilitate flexibility, a 10% variation below and above each of the density ranges is permissible.

\* A reduced quantum of development is required on the parcel of land at the south-west corner of the junction of Hazelhatch and Athgoe Road (see Section 6.3.3).

As per **Paragraph 5.5.4** the Site is located within the Settlement Edge and as per Table 5.4, and therefore the appropriate density is 15-20 net average Density per Ha and not 30-35 as set out in the Application.

The Site is at the western edge of the Village, in close proximity to 'RES' and 'RU' zoned lands with detached dwelling on large plots. The Site is also opposite a parcel of land at the south-west corner of the Hazelhatch Road and Athgoe Road, where a reduced quantum of development is suggested. Taken together with the proximity of Protected Structures and Recorded Monuments and Places, the appropriate density is 15-20 per hectares. A density of 41 dwelling per hectare on a small site of 0.95ha located within a Transitional Zone is

injurious to the residential and rural amenities of the area. The proposed density will also have an adverse impact on protected structures and recorded monuments in the vicinity. The proposed density is contrary to Objective LUD8.

Whereas the Site is located at the Junction between Hazelhatch Road, Athgoe Road and Main Street and has been identified as a Gateway to the Village,

**Objective BF10** of the NLAP states:

*Gateway and landmark features/structures shall only be developed at the identified locations and shall be appropriate to the scale and character of surrounding development*

The excessive density and height of the proposed development is not appropriate to the scale and character of the surrounding development and therefore is contrary to Objective BF10.

**Policy H8 Residential Developments (DP).**

*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.*

The proposed high density is not appropriate to its location and surrounding context of low density. The proposed development is contrary to Policy H8.

**Circular Letter: NRUP 02/2021** dated 21 April 2021 from the Minister, reminded planning authorities of the application of densities as set out in the *Sustainable Residential Developments in Urban Areas* (2009). Under the heading Development within Small Towns and Villages (population 400 to 5,000 persons), the density for edge of small town/village is specified as 15-20 dwellings per hectare. Presently, the population of Newcastle is less than 5,000 persons.

#### **Dwelling Type:**

Terraced town houses with limited opportunity for duplexes and apartments.

18No. Apartments are proposed, with only 11No. Apartments having own door, 3No. Apartments are Duplexes, all in lieu of recommended detached/semi-detached under Objective LUD8.

#### **Building Height.**

The proposed development consists of 2No. Blocks, Block 1 will be 3 storeys high, and Block 2 will be 2 storeys high. The former public house was single storey and the proposed development which was refused permission by An Bord Pleanála under Reg. Ref. No. SD06A/0026 & PL06S.220186 was 2storey high. Existing dwellings in the immediate vicinity are either single storey or 2 storeys.

The NLAP identifies 3No. areas for landmark opportunities, Market Square, Bealtaine Square and Ballynakelly Square. The Site is not specified for a landmark opportunity thus not allowing for an increased height opportunity on the Site.

**Paragraph 3.11 Building Heights (NLAP).**

*Building heights vary across Newcastle Village from low rise to low medium rise structures with the predominant building height being 2 storeys.*

*The western quadrant of the village is a low rise area that is populated by one and two storey dwellings. The square tower and finials of the double height Saint Finian's Church dominates the roofline along Main Street and terminates the south facing vista along Peamount Road. Commercial buildings along Main Street are largely two storeys in height.*

**Paragraph 5.6.3 Building Design & Height** of NLAP states:

*The scale and proportion of new buildings, particularly along the western end of Main Street (see Main Street West in Section 6), will be subservient to buildings that make up the historic built environment and Village Core. New buildings should be designed to respect the historic character of the Village in a manner that avoids dominating existing structures and monuments.*

**Paragraph 6.3 Neighbourhood 1: Main Street (West)** of NLAP specifies a building height of two storeys on the Site and therefore the proposal is not in accordance.

### **Policy H9 Residential Building Heights (DP).**

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

Block No.1 with a three-storey height will interfere with the roofline of St. Finian' Church and will not be subservient to the Church. The height and monolithic form of the new build will dominate.

### **Special Character Features.**

The scale and form of the proposed development will be injurious to the rural character at the western end of the Village that will create a hard-edge to the village.

### **Appendix 10 South Dublin County's Building Height and Density Guide.**

#### **13.4.3 Building Heights and Density.**

*In line with the provisions of the South Dublin Building Heights and Density Guide, development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development. Proposals are required to demonstrate to the satisfaction of the Planning Authority that the overall positive benefits of the development justify the scale of increased height being proposed. In order to demonstrate the overall positive benefits and justify the scale of increased height being proposed a detailed analysis of the existing context and a demonstration that the proposed height increase is contextually appropriate will be required. This process of analysis shall be considered alongside the provisions set out in the 'Urban Design Manual – A Best Practice Guide' (2009) which forms a key component in the design and planning processes for higher density and larger scale development proposals.*

The provision of housing on this Site may be a positive benefit to the shortage of houses within the County. Adequate provision existing within the Development Plan for the supply of housing to serve the required needs of the County, with residential zoned sufficient to last for the next 10 years. The density and height proposed is in excess of the standards set out in the NLAP.

The proposed development does not comply with 'Urban Design Manual – A Best Practice Guide' (May 2009) in that the development will not seem to have evolved naturally as part of the historic character of the area. The density and height do not respect the form of existing buildings around its edges and will be injurious to existing residential and rural amenity. The scale and form of the proposed development will not make a positive addition to the identify of historic western edge to the Village.

The Site is not located within an area with close proximity to high public transport links which would be justification for increased density and height.

In summary, as the Site is located at the Settlement Edge within Neighbour 1: Main Street (West) of the NLAP, where only detached or semidetached two storey houses at a density of 15-20 dwellings per hectare are permitted. The proposed density of 41 dwellings per hectare comprising of apartments and duplexes is contrary to Objective LUD8 of the NLAP.

### **8. Impact on Existing Residential Dwelling.**

The frontage of the proposed development is opposite the curtilages of a detached bungalow and a two-storey dwelling on large plots. The outlook from the existing dwellings of windows and balconies of the 2/3 storey high density monolithic building will give rise to new perceived overlooking to such a degree that it will be injurious to the residential and visual amenity, contrary to the zoning Objective for the area. The extent of the over scaled proposed development will depreciate the value of these existing.

### **9. Ecological Assessment and Screening Report.**

An Ecological Assessment and Screening Report has not been submitted with the Application, clearly outlining if there is biodiversity value present on the proposed site, including hedgerows, trees and grassland types and

presence of protected species such as badger. The said should also include an invasive species assessment. The application does not demonstrate compliance with the following Objectives of the NLAP

**Objective GI28**

*To require the submission of a Bat Survey as part every planning application for development (excluding house extensions) within the Plan Lands are require the implementation of appropriate mitigating measures that ensure for the protection of bats and their habitats.*

**Objective GI29**

*To require the planting of mature native trees along both sides of streets located within the foraging and flight routes of bats in a manner that creates links between retained and augmented hedgerows and creates 'eco hop' opportunities across streets as detailed in Section 7 of this Plan*

**Objective GI30**

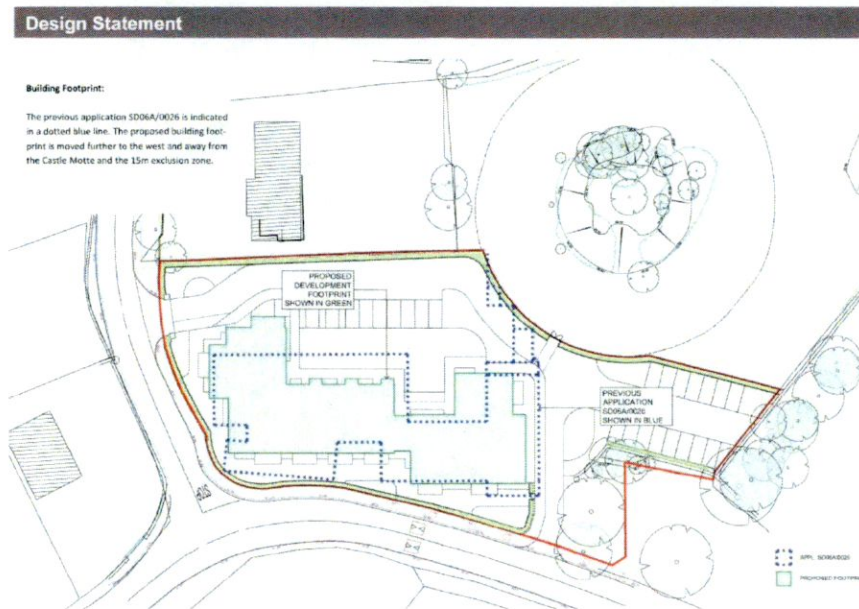
To encourage the planting of native species to reinforce the natural habitats of bats within Newcastle and its environs.

**10. Traffic Impact.**

It is proposed to have two vehicular access locations to serve the proposed development. Each access is close to a 'T' junction, Main Street, Hazelhatch Road and Athgoe Road. The proposed accesses are opposite continuous white line. At peak times morning and evening traffic build up on Main Street and Hazelhatch Road. The location of the vehicular accesses without controlled barriers will give rise to 'a rat run' through the development. Such scenario could endanger public safety by reason of a traffic hazard. The Application did not include traffic assessment detailing an analysis of the above 'T' capacity. A number of minor traffic accidents have occurred at this junction.

**11. Comparison between footprints for Proposed Development Refused Permission and for Current Proposed Development.**

The following is an extract from the Design Statement prepared by Demense Architects and Interior Designers indicating the building footprint for then development refused permission and the building footprint for the proposed development.



Extract from Design Statement prepared by Demense Architects and Interior Designers.

An Bord Pleanála under Reg. Ref. No. SD06A/0026 & PL06S.220186 refused permission of a mixed commercial and residential development for the following Reason and Consideration.

*Having regard to the location of the site in a prominent position with extensive road frontages, within an Area of Archaeological Potential and in close proximity to protected structures and a motte which*

*is a recorded monument, it is considered that the excessive scale and design of the proposed development, including carparking, would constitute overdevelopment, would be an inappropriate form of design in the area, would adversely affect the character, heritage value and setting of the protected structures and recorded monument and would conflict with the objectives of the current Development Plan for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

The Board in its Direction of 25 May 2007 added the following:

*Note: Having regard to the established use of the site (McEvoy's Pub), the Board considers that an appropriately scaled pub and restaurant/off-license development might be appropriate on this site.*

The Board in its Note under Direction considered that the scale of the proposed development refused permission was not to an appropriate scale. The comparison between two building footprints indicated that they are broadly similar. This comparison does not reflect that part of the proposed development has additional floor space at second floor level.

The Application Form in respect to the proposed development refused permission stated that the gross floor was 1,556sqm, and for the current proposal, the gross floor area is indicated as 1,934. This represents an increase in bulk form of 378sqm or 24.3%. The proposed height of the development refused permission was 2 storeys, whereas the height of the current proposed development is 3 storeys in part.

Accordingly, the proposed development is not to an appropriate scale as set by An Bord Pleanála and it follows that the same reason for refusal by the Board is applicable to this proposed development.

The proposed constitutes overdevelopment, will adversely the character, hermitage value and setting of adjacent protected structures and recorded monuments.

## **12. Surface Water Disposal.**

It is proposed to discharge surface water from the proposed development to an existing surface water sewer on the Hazelhatch Road. The Owner of The Old Glebe, a Protected Structure, welcomes this minor aspect to the proposed development. An existing surface water sewer combined with a fresh water supply traverses The Old Glebe, and any additional discharge to this sewer would be unacceptable.

## **13. Conclusion.**

The Site is located within Neighbour 1: Main Street (West) and at the Settlement Edge (Table 5.4 NLAP) to the Village under the NLAP. This location only permits detached or semidetached two storey houses at a density of 15-20 dwellings per hectare. The proposed density of 41 dwellings per hectare and comprising of apartments and duplexes with a height of 2-3 storeys is contrary to Objective LUD8 of the NLAP.

Because of the scale and height of the proposed building it will have an adverse impact on existing dwelling on the opposite of the road. Such will be injurious to their existing residential and visual amenities and will be contrary to the zoning Objective for the area.

The Applicant failed to demonstrate that the provision of public open space within a Zoned 'OS' area and the provision of car parking within a Zoned 'RU' area, complies with the relevant Policies, Objectives, Standards and Criteria set out in the Development Plan. The proposed provision of off-street car parking in Zone 'RU' serving a residential development materially contravenes the zoning Objective.

The Applicant failed to submit an Ecological Assessment and Screening Report.

The Applicant failed to submit a Traffic Assessment detailing an analysis of the 'T' junction, Main Street, Hazelhatch Road and Athgoe Road.

The scale of the proposed development represents an 24.3% increase in floor area from that refused planning permission by An Bord Pleanála under Reg. Ref. No. SD06A/0026 & PL06S.220186. The Application failed to address the Note attached to the Board's Direction. Accordingly, the proposed development will adversely the character, hermitage value and setting of adjacent protected structures and recorded monuments.

The proposed development does not accord with Policies and Objectives of the NLAP and the Development Plan by virtue of its density, height and dwelling type, together with deficiencies in the information submitted.

Therefore, the proposed development cannot be deemed to be in accordance with the proper planning and sustainable development of the area.

**James McInerney**  
**Planning Consultant**

**September 2022**

James McInerney,  
Planning Consultant  
39 Kilheale Heights,  
Kilheale Manor  
Kill  
Co. Kildare  
W91 R28R

Date: 12-Sep-2022

Dear Sir/Madam,

**Register Ref:** SD22A/0322  
**Development:** Demolition of all existing derelict structures on the site and the construction of 18 residential units provided in 2 separate blocks; Block 1 will be 3 storeys high and will contain 12 units; Block 2 will be two storeys high and will contain 6 units; The 18 units consist of 6 one bed apartments, 6 two bed apartments, 3 three bed duplexes and 3 three bed apartments; Ancillary development including reusing existing vehicular access/egress off Hazelhatch Road, providing a new vehicular egress (only) onto Main Street, car and cycle parking, open space, landscaping, boundary treatment (including existing stone wall at east side of the site to be partially removed, along with gates, with main portion of wall repaired and lowered), footpaths, circulation areas and all associated site works.  
**Location:** Lands at former McEvoy's Pub, Main Street, Newcastle, Co. Dublin  
**Applicant:** Rathgearan Ltd  
**Application Type:** Permission  
**Date Rec'd:** 08-Aug-2022

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, [www.sdblincoco.ie](http://www.sdblincoco.ie).

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, [www.sdblincoco.ie](http://www.sdblincoco.ie), and when viewing an application on which a decision has not been made, you can input your email address into the box named **"Notify me of changes"** and click on **"Subscribe"**. You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

**Please note:** If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney  
for **Senior Planner**