

Comhairle Chontae Atha Cliath Theas

PR/1235/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0322 **Application Date:** 08-Aug-2022
Submission Type: New Application **Registration Date:** 08-Aug-2022

Correspondence Name and Address: David Mulcahy Planning Consultants Ltd 67, Old Mill Race, Athgarvan, Newbridge, Co. Kildare.

Proposed 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 Name: Rathgearan Ltd

Application Type: Permission

(SW)

Description of Site and Surroundings:

Site Area: Stated as 0.38 Hectares.

Site Description:

The site is situated to the north of the west end of Main Street, Newcastle, at the junction with Hazelhatch Road. There is an existing access to the site from Hazelhatch Road. The site contains a number of derelict structures. Walls / facades of previous structure form the site boundary. There is ribbon development along Hazelhatch Road, to the north west of the site. St Finian's Church is situated to the east. Single houses lie to the south.

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Proposal:

The proposed development will consist 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.

Zoning:

The majority of the subject site is subject to zoning objective 'RES' - *'To protect and/or improve residential amenity'*. The northern portion of the site is 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture'*. The west and north west elements of the site is 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture'*. An element to the east is 'OS' - *'To preserve and provide for open space and recreational amenities'*. An adjacent to main street is unzoned.

The subject site is within the boundaries of: -

- Newcastle Local Area Plan
- Newcastle Village Architectural Conservation Area (ACA002).
- Site of Geological Interest - Newcastle Buried Channel
- Sites and Monument Record Zone of Notification
- Aviation related: bird hazard, inner horizontal surface (Casement)

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Consultations:

Internal

Drainage and Water Services Department – Recommends refusal

Waste Management – No report received at time of writing.

Public Lighting – no objections, subject to conditions.

Environmental Services – No objection, subject to conditions.

Heritage Officer – Additional Information required.

Roads Department – Additional information requested.

Parks and Public Realm Department – Additional Information required.

Architectural Conservation Officer – Recommends refusal

Housing Department – No objection, subject to conditions.

External

Department of Defence – No objection, subject to conditions.

Department of Housing, Local Government & Heritage – Recommends refusal

NTA – No report received at time of writing.

TII – no observations

Irish Water – Additional information requested

EHO – no objection, subject to conditions.

SEA Sensitivity Screening:

Overlap is indicated with the following SEA Sensitivity Screening Layers:

- Rural
- Site of Geological Interest
- Record of Monuments and Places
- Architectural Conservation Area
- Area of Archaeological Potential

Submissions/Observations /Representations:

A number of submissions have been received. These are addressed in the overall assessment of the planning application:

- Scale out of keeping with area
- SD06A/0026 was previously refused
- Out of keeping with the historic landscape character
- New access to main street not suitable
- Proposal is overdevelopment – not objecting to any development on the site.

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- Area of archaeological potential, close to a protected structure and Medieval Motte
- St Finian's Church of Ireland is a major historical feature since fifteenth century.
- Development inconsistent with zoning matrix. POS not provided in Open Space zoning.
- Provision of car parking contrary to 'RU' zoning
- Increase in floor area of 24.3% above previous development refused.
- Monolithic structures out of character with the ACA.
- Contrary to LUD4 and 5 Newcastle LAP.
- Newcastle LAP – density should be lower, dwelling type is wrong. Contrary to BF10, LUD8, Height not in keeping with provisions of LAP.
- Contrary to H8, H9 CDP and circular letter NRUP 02/2021
- Site not in an area that would justify increased height and density
- Adverse impacts on existing residential dwellings
- AA screening and ecological assessment not submitted
- No traffic assessment provided
- Previous application refused due to scale – this proposal is similar footprint but additional floor.

Support is also indicated for the proposal.

- Development would clean up a derelict site.
- Would provide a gateway building on this side of Newcastle.
- Anti-social behaviour will be removed.
- Will provide much needed accommodation.

Relevant Planning History:

Subject site

SD06A/0026

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.

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SDCC Decision: Grant Permission, subject to conditions. The decision of South Dublin County Council was subject to a Third Party Appeal to An Bord Pleanála.

ABP Decision: Refuse Permission for the following reason:

'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'.

S01A/0243

Retention of minor alterations to toilet block and retention and completion of conversion of ladies to lounge space of protected structure.

SDCC Decision: Grant Permission, subject to conditions.

Adjacent Sites

SD22A/0331 - Lands at former McEvoy's Pub, Main Street, Newcastle, Co. Dublin

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.

SDCC Decision: Planning Permission Refused.

Relevant Enforcement History:

None recorded.

Pre-Planning Consultation:

PP019/22

Description of Proposal: Provision of 18 No. residential units in 2 No. blocks. Block 1 is 3 No. storeys high and will contain 12 No. units. Block 2 is 2 No. storeys high and will contain 6 No. units. The buildings front onto the public roads adjoining the site. They are setback from the recorded monument adjoining the site. There will be two vehicular access points, one to the south and one to the west. Car parking is provided to the east side of the site.

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A Pre-Planning Meeting was held on 6th April 2022 in relation to the above summarised proposal. The following are the key points discussed in the meeting:

Planning

- The development of this underutilised prominent site at the entrance to Newcastle is welcomed.
- The Applicant should be cognisant of the changing development context, with the Draft Development Plan 2022-2028 due to be published in Q3/Q4 2022, particularly in relation to zoning.
- The Newcastle LAP due to end in November, although this may be extended due to the Covid closure period.
- The changing development policy context makes it difficult to provide detailed advice.
- Proposed development may be classed as a material contravention of the Newcastle LAP having regard to the density of the development.
- Height is taller than surrounding context, thus a strong justification is required along with a high-quality design.
- Importance of establishing and responding to the receiving context of the surrounding area.
- A more contextual design response is required that responds well to both corners.
- Own door access at ground floor level provides opportunity to address the frontages, animate streetscape and thus would represent a better design response.
- The building should turn the corner properly and maintain a clear pedestrian route.
- The Applicant should consider examples of residential development which successfully responds to the receiving context of a corner site.
- Addressing and animating the streetscape is of vital importance having regard to the prominent corner site which has potential to act as a gateway to Newcastle.
- Justification required as to why the public house/commercial use no longer viable, having regard to the content of the Newcastle LAP.
- Reduction of non-descript green/communal space and low-boundary wall would create potential for better interaction with the streetscape.
- Question mark over the quality of the open space which is north facing and located within the shadow of the proposed buildings.
- There is a significant amount of hardstanding.
- Protection of views towards Motte and St Finian's Church are vital and must be clearly demonstrated (LVIA, montages and visuals). The site is within the zone of influence and thus any future application will be referred to the Conservation Officer and the Department.
- It was suggested that the subject scheme would benefit from another Pre-Planning meeting prior to the submission of an Application.

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Roads Department

- Concerns regarding access onto Hazelhatch Road, owing to visibility issues and location bend in road. Should this access be utilised, compliance with DMURS would need to be demonstrated.
- How will right turning movements at junctions be navigated (e.g., turning bucket or yellow box)?
- Footpaths – 2m wide footpath required both within and adjacent to boundaries.
- Pedestrian crossing should be provided at Hazelhatch Road to tie in with footpaths across the road.
- Swept Path Analysis for refuse and emergency vehicles.
- Zone 1 should be applied for calculating car parking rates based on Table 11.24 of the Development Plan
- Provision of 10% of parking spaces with EV charging points required with 100% ducting for future spaces.
- Provision of 5% mobility impairment spaces required with 6m reversing distance.
- Minimum bicycle parking rates of Development Plan should be achieved with any surface level parking covered.
- Corner radii of roads layout should be in line with DMURS.
- Greater Dublin Area Cycle Network Interurban Route D5 runs along the boundary of the subject site.
- Bin Storage and Service access arrangements should be shown.

- The future Planning Application should include a Construction Traffic Management Plan, a Construction Waste Management Plan, a Taking in Charge Drawings.
- Public Lighting Design to be agreed with Public Lighting Section.

Drainage Department

- Surface water should be re-used where possible on site, failing that on-site infiltration would be of benefit.
- SuDS Design Guidance document should be reviewed, and SuDS incorporated as early as possible into the design. Applicant's attention is drawn to the SDCC SuDS Design Guide available on the SDCC website.
- Climate change allowance of 20% should be incorporated.
- Wastewater sewers are over capacity in Newcastle. Works are to be done in Newcastle to address this. Newcastle Local Network Re-enforcement project and upgrade of Newcastle pumping station are both pending.
- Maybe scope on site to remove stormwater drainage from the foul to create more capacity. However, this is subject to Pre-Connection Enquiry discussions with Irish Water.

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- Site-Specific Flood Risk Assessment should be provided with any future Planning Application.

Relevant Policy in South Dublin County Council Development Plan 2022-2028:

Policy CS1: Strategic Development Areas

2.6.1 Land Capacity Study

Land Capacity Sites

Figure 9: Housing Capacity Sites

2.6.5 Core Strategy – 2022-2028 Development Plan

2.6.6 Housing Strategy

2.7 Settlement Strategy

Policy CS3 Promote and facilitate housing and population growth in accordance with the overarching Core Strategy to meet the needs of current and future citizens of South Dublin County.

CS3 Objective 6: To ensure the phased development of new housing areas in tandem with the delivery of physical and social infrastructure provision as identified within Local Area Plans or as informed by assessments carried out by the Planning Authority.

Policy CS6: Settlement Strategy - Strategic Planning Principles

2.7.2 Self-Sustaining Growth Towns / Self-Sustaining Town

Policy CS9: Newcastle

Support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels.

CS9 Objective 1:

To ensure that development proposals provide for infrastructure including community buildings, sports pitches and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.

CS9 Objective 2:

To support well designed infill and brownfield development on zoned lands along the main street, in particular where it provides for improved services, commercial, retail or mixed use provision to meet the needs of the growing population.

CS9 Objective 3:

To proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.

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CS9 Objective 4:

To facilitate and commit to the delivery of new residential development in a coordinated manner, ensuring alignment with investment infrastructure and supporting amenities and services. Such measures shall be delivered through appropriate phasing in line with CS9 SLO1, SLO2, SLO3 and SLO4.

CS9 SLO2:

To facilitate and commit to the delivery of Phase 1 residential lands at Burgage North to the north of St. Finian's Community Centre which reserve suitable lands to facilitate the extension of the existing community centre.

Policy NCBH1: Overarching

NCBH1 Objective 1

Policy NCBH2: Biodiversity

Policy NCBH3: Natura 2000 Sites

Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas

Policy NCBH11: Tree Preservation Orders and Other Tree / Hedgerow Protections

Policy NCB12: Geological Sites

Policy NCBH13: Archaeological Heritage

Policy NCBH14: Landscapes

Policy NCBH19: Protected Structures

Policy NCBH20: Architectural Conservation Areas

Policy GI1: Overarching

Policy GI2: Biodiversity

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

Policy GI5: Climate Resilience

Policy GI6: Human Health and Wellbeing

Policy GI7: Landscape, Natural, Cultural and Built Heritage

Policy QDP1: Successful and Sustainable Neighbourhoods

5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP3: Neighbourhood Context

Policy QDP4: Healthy Placemaking

Policy QDP5: Connected Neighbourhoods

Policy QDP6: Public Realm

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy QDP7: High Quality Design – Street Width and Height

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Policy QDP7: High Quality Design – Adaptability and Inclusivity

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)

Policy QDP9: High Quality Design - Building Height and Density

Policy QDP10: Mix of Dwelling Types

Policy QDP11: Materials, Colours and Textures

Policy H7: Residential Design and Layout

Policy H8: Public Open Space

Policy H9: Private and Semi-Private Open Space

Policy H10: Internal Residential Accommodation

Policy H11: Privacy and Security

Policy H12: Steep or Varying Topography Sites

Policy SM1: Overarching – Transport and Movement

Policy SM2: Walking and Cycling

7.7.2 New Street and Road Proposals

Table 7.5 Six Year Road Programme Newcastle Street Network Various streets within the Newcastle LAP lands. Formation of a strategic street network providing access throughout the LAP lands.

Policy SM5: Street and Road Design

Policy SM6: Traffic and Transport Management

Policy SM7: Car Parking and EV Charging

Policy COS1: Social Inclusion and Community Development

COS1 Objective 4:

To support the improvement, maintenance, upgrade and refurbishment of existing community based facilities and changing rooms within the County to meet current and future needs.

Policy COS2: Social / Community Infrastructure

Policy COS3: Community Centres

Policy COS4: Sports Facilities and Centres

COS4 Objective 14:

To provide a sports and recreational amenity in Newcastle, incorporating a full-size GAA, multi-use, all-weather playing pitch, two basketball courts, tennis court, dressing rooms, a walking / jogging / cycling track as well as parking areas and related additional open space.

Policy

COS5: Parks and Public Open Space – Overarching

Policy E1: Responding to European, National and Regional Policy and Legislation

Policy E3: Energy Performance in Existing and New Buildings

Policy E4: Electric Vehicles

Policy E7: Solar Energy

Policy IE1: Overarching Policy

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Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

11.3.1 Riparian Corridors

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.3.5 Landscape Character Assessment

Table 12.17: Landscape Character Types

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights

12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.3 Unit Tenure

12.6.7 Residential Standards

12.6.8 Residential Consolidation

12.6.10 Public Open Space

12.7.1 Bicycle Parking / Storage Standards

12.7.2 Traffic and Transport Assessments

12.7.4 Car Parking Standards

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.7.6 Car Parking Design and Layout

12.8.4 Early Childhood Care and Education Facilities

12.10.1 Energy Performance in New Buildings

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

Newcastle Local Area Plan

Relevant policies from the LAP are set out below. These include general policies relating to the whole development area and specific policies relating to the Main Street neighbourhood identified in the LAP.

A linked open space hierarchy shall be implemented fully across the Plan Lands and all proposed developments shall contribute to the achievement of this integrated Green Infrastructure Network where relevant and at a minimum rate of 14% on A1 zoned lands.

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Where there is a shortfall in public open space provision, from planned local and neighbourhood parks, this shortfall shall be taken up by pocket parks that are integrated into the design of neighbourhoods. Pocket parks shall be adequately overlooked and shall be easily accessible from surrounding housing but shall not comprise residual open spaces. (Objective GI1)

All proposed public open spaces shall have a clear role and function that falls within the Plan's open space hierarchy detailed under Table 5.1 and shall comply with the qualitative standards detailed under Sustainable Residential Development in Urban Areas, 2009. (Objective GI2)

Play facilities shall be provided at a rate of 3 sq.m per dwelling and in accordance with Planning Guidance on Provision of Children's Play Facilities in New Developments, 2007. (Objective GI3)

Where it is proposed to develop on existing playing pitches and/or training fields, alternative accessible playing pitches and/or training fields must be provided in the vicinity of Newcastle (within 1.6km of the edge of the Plan Lands) prior to decommissioning of the pitches or the commencement of construction. (Objective GI4)

Protect the historic burgage plot boundary and townland delineations (including townland boundaries to the Glebe, Ballynakelly Newcastle South and Commons Little) around Newcastle Village including their associated hedgerows and ditches. (Objective GI7)

Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site. (Objective GI8)

Require that burgage and townland field boundaries and ditches are utilised wherever possible as SUDS elements such as swales for conveying water; landscape features; and biodiversity-protecting elements. (Objective GI9)

Allow for limited sections of field boundaries (burgage and townland) to be carefully altered where a need has been clearly demonstrated on the basis of a requirement for accessibility in terms of pedestrian and cyclist movement and the creation of successful streets and spaces. Where this occurs, high quality design cues that signal and delineate the pre-existing plot line of the section of removed hedgerow boundary shall be utilised such as a change in materials

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with the use of high quality materials like cut stone and the use of lighting strips etc. (Objective GI10)

Where removal of a section of hedgerow is required for street access, the street width and gap in the hedgerow shall be kept to a minimum and determined by street typology (see street design cross sections and typologies in Appendix 3) in order to protect and retain foraging routes for bats. Mature street planting should also be located to help fill the void between sections of hedgerow and create an 'eco hop' across each street as detailed in Section 7 of this Plan. (Objective GI11)

GI12-17: SuDS

GI18-19: Flood

GI20-GI33: Archaeology and Architecture

Development within the vicinity of an upstanding monument(s) shall enhance the setting of the feature(s) and shall be sited and designed appropriately. Views of the Motte and Saint Finian's Church of Ireland Church from Main Street and Hazelhatch Road shall be protected by sensitive surrounding development. Development of the derelict public house site (previously known as McEvoy's) at the north-east corner of the junction between Main Street and Hazelhatch Road should be especially designed to enhance and protect views of the Motte and Saint Finian's Church of Ireland Church. (Objective GI24)

AM1-16: Accessibility and Movement

To concentrate new commercial and community development including retail floorspace around historic/cultural, civic and retail nodes along Main Street in a manner that contributes to Main Street's vitality and viability and its re-establishment as the Village Core. (Objective LUD1)

5.5.2.3 The former public house site at the north-east corner of the junction between Main Street and Hazelhatch Road provides an important gateway opportunity to announce the approach into Newcastle Village and its historic/cultural quarter

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 LUD4)

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Development of the former public house site at the north-east 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. (Objective LUD5)

The inclusion of tourist attractions and uses that explore Newcastle's heritage and cultural value and incorporates built and natural heritage features shall be investigated as part of development proposals within the Historic/Cultural quarter. (Objective LUD6)

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. (Objective LUD8)

Community facilities, which shall include youth specific facilities, shall be provided at a rate **of 3 sq.m per 10 dwellings**. The provision of community floorspace at, or adjoining, the existing St. Finian's Community Centre and/or the payment of development contributions towards the provision of community floorspace at this location will be sought as an alternative to the piecemeal location of small pockets of floorspace on individual sites. (Objective LUD12)

Development along Main Street (see Section 6) shall provide for community floorspace within or around the civic and historic/cultural nodes identified under this Plan using St Finian's Community Hall as a centre of focus. This should include for the relocation of 130 sq.m of community floorspace permitted as part of the Ballynakelly Development. (Objective LUD13)

Restrict apartments/duplexes only to small gateway and landmark sites and to developments that include an element of retail or service (financial, professional or other) floorspace within the Village Core and the site of the Ballynakelly Local Centre. Such developments shall be of a small scale and shall fulfil a clear aesthetic or wayfinding function. The mix of dwelling types on sites that are subject to extant permissions should be amended accordingly where possible. Extensions of duration of permission should only be granted where development granted prior to the adoption of this Plan accords with this restriction on apartments and duplexes. (Objective LUD14)

Ensure that at least 90% of dwellings in any residential scheme have two or more bedrooms with the exception of independent housing schemes for older people. (Objective LUD16)

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To encourage a mix of dwelling types and quality designs that will help aid legibility and wayfinding throughout the area. (Objective LUD 17)

Table 5.4 Recommended Densities and Uses 15-20

The density of development across the Plan Lands shall accord with that identified for each Character Area under Table 5.3 of this Plan. The density of development on sites that are subject to extant permissions should be amended accordingly, where possible. Extensions of duration of permission should only be granted where development granted prior to the adoption of this Plan accords with this Local Area Plan's density strategy or the densities recommended for small towns and villages under Sustainable Residential Development in Urban Areas (2009). (Objective LUD 18)

Development shall present key building frontages to the street edge within the Village Core and Village Expansion areas in accordance with the requirements of this Local Area Plan. Landscape Frontages shall be presented to the street edge in the Settlement Edge. Active frontages should be promoted as much as possible especially along Main Street. (Objective BF1)

Where existing significant/historical structures exist along or immediately adjoining Main Street these structures, or parts thereof, shall be incorporated, where possible, within the overall design scheme for any development site. (Objective BF1a)

The pursuance and improvement in appearance of unkempt sites through derelict sites legislation shall be supported especially unkempt sites that front roads/streets and Main Street in particular. (Objective BF1b)

All streets are designed in accordance with the Street Hierarchy set out in the Accessibility and Movement Strategy of this Plan and the relevant design and cross section details set out in Appendix 3 of this Plan. (Objective BF2)

The materials, texture and colour of proposed carriageways shall be appropriate to their location within Newcastle. The width of vehicular carriageways shall be minimised to the requirements of the appropriate design speed, user needs and context and function of the street. (Objective BF3)

Pedestrian facilities such as wide footpaths and well-designed crossings will form part of all planning applications for development within the Plan Lands. (Objective BF4)

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Utilities shall be laid in common utility ducts, including (where appropriate) grid infrastructure, to reduce disturbance to streetscapes and surface treatments from ongoing utility works. This shall be a condition of all relevant permissions. (Objective BF5)

Streets will be designed to reflect the historic character and importance of Newcastle and to contribute to its setting and visual amenity (Objective BF6)

Require the submission of a design statement and rationale for all housing and/or commercial development that demonstrates how the development incorporates elements that reflects its time and place. This should include for the use of local building materials and respond to this Plan's requirements with relation to urban structure, urban grain, density and land-use, buildings heights, green infrastructure and the historic setting of recorded monuments and protected structures. (Objective BF7)

Require the incorporation of a variety of dwelling designs throughout the Plan Lands and particularly within individual developments, subject to the use of a limited palette of materials. (Objective BF7a)

Require all new buildings to be high in energy efficiency and to use energy sources that minimise damage to the environment. All new buildings shall comply with Section 5.4 (Sustainability and Energy Efficiency) of Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) and the relevant Building Regulations. (Objective BF7b)

New development shall be a maximum of two storeys in height with limited exceptions for buildings on landmark sites designated within the Village Core and Expansion Area where there is scope for landmark buildings to include elements that reach a maximum height of between 9 and 12 metres depending on location. (Objective BF8)

to promote innovative building design that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources in accordance with national regulations and policy guidelines. (Objective BF8a)

To prohibit basement developments in the interests of protecting Newcastle's archaeological heritage. (Objective BF9)

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. (Objective BF10)

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Gateway and landmark features/structures shall incorporate elements, finishes and materials that reflect the development's time and place. The use of trees and planting as gateway features are encouraged especially at the western gateways of the village. (Objective BF11)

Streets shall be designed to incorporate changes in materials and finishes to highlight important local features such as at the Civic, Historical/Cultural and Retail nodes and at all Gateways into the Village. Proposals for materials to be used shall be included within all planning applications. (Objective BF12)

6.3 Neighbourhood 1: 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	directly accessible from all neighbourhoods with exception of Ballynakelly Cottages. • A diverse mix of land uses to include civic; community and tourism uses. • Strong street edges created by direct building frontages that present multiple openings and active edges to encourage on-street activity. • 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. • Retain and enhance Village Green. • Expanded/new school site with playing fields. • Maintain rural character at western end to soften village edge and preserve protected views from Hazelhatch Road

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6.3.1 Development around the Motte including redevelopment of the former public house site should protect the views and setting of this important heritage structure. Redevelopment of the former public house site should also retain and incorporate existing views of Saint Finian's Church of Ireland Church from the Hazelhatch Road

- To protect and enhance the setting and views of the Motte, Saint Finian's Church of Ireland Church and Village Green and environs from surrounding development especially the redevelopment of the adjacent public house at the north-east corner of the junction between Hazelhatch Road and Main Street. (Objective MSW2).
- Development shall maintain views of rural lands and Lyons Hill to the south-west from Hazelhatch Road as designated for protection and preservation under the South Dublin County Council Development Plan (2010 – 2016). (Objective MSW2a)
- Development along Main Street shall include for public realm improvements to include planting of indigenous trees, widening of footpaths and provision of robust street furniture. (Objective MSW3)
- A Main Street Improvement Plan should be agreed or produced as a separate advice document after adoption of this Local Area Plan to help guide and co-ordinate public realm improvements, infill development, redevelopment of sites and the achievement of universal access and universal mobility. (Objective MSW4)
- Development along Main Street shall allow and provide for connections to routes that are envisaged under the Accessibility Movement Strategy of this Plan including Link Streets, Access Streets and Green Links. (Objective MSW6)
- Residential development within the Settlement Edge shall be subject to a maximum net residential density of 20 dwellings per hectare. Not more than 3-4 single storey dwellings (with low profile roofs only) shall be provided on the parcel of land at the south-west corner of the junction of Hazelhatch and Athgoe Road provided that such development:
 - provides an appropriate green buffer with adjoining agricultural lands;
 - preserves views of Athgoe Hill and Lyons Hill at the eastern end of Hazelhatch Road to the south-west and;
 - Is sensitive to the setting of Newcastle Farm, a Protected Structure. (Objective MSW6a)
- Community facilities provided as part of residential development (**30 sq.m per 10 dwellings**) shall be provided within or around the civic and cultural nodes identified under this Plan using St Finian's Community Hall as a centre of focus. (Objective MSW9)
- 6.3.4 Development of the former public house at the north-east corner of the junction between Main Street and Hazelhatch Road should be sensitive to

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surrounding heritage features and spaces and should attempt to incorporate elements of the Protected Structure that previously occupied the site

- 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. (Objective MSW12)



Development within the Plan Lands shall adhere to the qualitative and quantitative standards and urban design criteria set out under this Plan. (Objective SC1)

7.1 Urban Design Criteria All developments within the Plan Lands shall comply with the 12 urban design criteria set out under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying indicators detailed under the Urban Design Manual: A Best Practice Guide (2009)

7.2.1 Pedestrian and Cyclist Movement

7.2.2 Cycle Parking and Facilities

7.2.3 Pedestrian Routes

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Table 7.1 Bicycle Parking Standards Residential Units 1 space per dwelling

7.2.4 Lighting

7.2.5 Car Parking the quantum of car parking shall be provided in line with the standards set out under the South Dublin County Development Plan, 2010-2016 or any superseding County Development Plan.

7.2.6 Traffic Calming

7.2.7 Traffic Noise

7.2.8 Dwelling Standards

7.2.9 Private Amenity Space for Houses

7.2.11 Privacy and Overlooking

7.2.12 Bin Storage

7.2.13 Block Form, Urban Grain and Street Interface

7.2.14 Accessibility

7.2.15 Public Open Space Quantum

7.2.16 Neighbourhood Equipped Area for Plan (NEAP)

7.2.17 Local Equipped Area for Plan (LEAP)

7.2.18 Young Children's Area of Play (YCAP)

7.2.19 Specifications for Street Finishes

7.2.20 Boundary Treatments

7.2.21 Landscaping and Incorporation of Existing Elements

7.2.22 Soft Landscaping and New Planting

7.2.23 Bat Movement across Streets

7.2.24 Hard Landscaping and Street/Park Furniture

7.2.25 Management and Maintenance of Hard and Soft Landscaping

7.2.26 Renewable Energy

7.2.27 Surface Water Drainage

7.2.28.1 Ponds & Basins

7.2.28.2 Swales

7.2.28.3 Porous Grass Paver Grids

7.2.28.4 Soakaways

7.2.28.5 Green Roofs

7.2.28.6 Rainwater Harvesting

7.2.29 Place Names

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Relevant Government Guidelines:

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

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government, (2008).

Quality Housing for Sustainable Communities: Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Design Manual for Urban Roads and Streets, Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport, (2013).

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

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009)

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)

National Cycle Manual, National Transport Authority, (June 2011)

Assessment:

The main issues for assessment relate to:

- Policy Context
- Zoning
- Council policy
- Land Use, Density, Height
- Urban Design, Architectural Form and Visual Impact
- Impact on Architectural Conservation Area
- Residential Amenity
- Access, Parking & Permeability
- Parks and Public Realm
- Drainage and Water Services
- Part V Social & Affordable Housing
- Noise and Environmental Health

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- Ecology
- Energy
- Archaeological and Built Heritage
- Screening for Appropriate Assessment
- Screening for EIA

Policy Context

The subject site is located within the Newcastle LAP 2012 (as extended) area and the relevant Development Plan is the South Dublin County Development Plan 2022 – 2028.

Zoning

There is no objection to the principle of demolishing the derelict structures.

Objective BF1b of the Newcastle LAP 2012 (as extended) states '*The pursuance and improvement in appearance of unkempt sites through derelict sites legislation shall be supported especially unkempt sites that front roads/streets and Main Street in particular*'.

The site is covered by a number of zoning objectives. The majority of the subject site is subject to zoning objective 'RES' - '*To protect and/or improve residential amenity*'. The principle of housing is acceptable within this zone.

The west and north element of the site is zoned 'RU' where the stated objective in the South Dublin County Development Plan 2022-2028 is '*To protect and improve rural amenity and to provide for the development of agriculture*'. It is noted that car parking and roads infrastructure are proposed to be located within this space. It is noted that an area of open space also lies within this area. As this element of the development solely relates to and facilitates the proposed residential development, these elements are considered to constitute a residential land use.

Residential is open for consideration within this zoning, but only in accordance with Council policy for residential development in rural areas. There is no evidence that any element of the proposed development would satisfy a need for rural housing or the broader zoning objective of 'RU' lands.

An area to the east is zoned 'OS', where the stated objective in the Development Plan is '*To preserve and provide for open space and recreational amenities*.' It is unclear where the delineation between this zoning and the proposed roads infrastructure is, but it appears that, the only areas included within this are existing trees.

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An area extending towards Main Street to the east is unzoned. In general, such lands are governed by the policies of the predominant adjoining land uses, which in this case, would be objective 'RES'.

Overall, it is not considered that the applicant has demonstrated that the proposed development is acceptable in principle within all zoning objectives pertaining to the subject site.

Council Policy

Strategic Policy

Table 9 of the CDP indicates that Newcastle as a total potential capacity of 18.48ha or 646 no. units of undeveloped lands. This includes 557 no. residential units on greenfield sites. The subject site is also identified as a Housing Capacity Site on Figure 9. Core Strategy Policy CS9 states to *'Support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels'*.

The Newcastle LAP was adopted in 2012 and subsequently extended in 2017 (to expire early 2023). The LAP in 2012 envisaged that circa 855 No. homes would be constructed if all undeveloped lands within the Plan Lands, including lands subject to extant permissions, were to be developed in accordance with the standards contained within the Plan. The primary landholding with an extant permission was reconsidered and granted permission as part of the SHD process.

Given the timelines and build outs of residential lands between the LAP adoption and the County Development Plan, it is evident that the Core Strategy of the current Development Plan supports and plans for the development of the Newcastle area, in accordance with the approach in the existing 2012 LAP.

Newcastle

The County Development Plan (CDP) 2022-2028 sets out a number of specific objectives for Newcastle. Policy CS9, Newcastle, states *"Support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels"*.

The proposal is assessed against each of the relevant policy objectives below:

- *CS9 Objective 1: To ensure that development proposals provide for infrastructure including community buildings, sports pitches and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.*

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The proposal is for 18 dwellings and will not trigger any specific requirements.

- *CS9 Objective 2: To support well designed infill and brownfield development on zoned lands along the main street, in particular where it provides for improved services, commercial, retail or mixed use provision to meet the needs of the growing population.*

Site represents brownfield development along the main street. No mix of uses is proposed. Considering the location of the site, which is situated at the edge of the Village it is considered that the non-provision of commercial uses is acceptable.

- *CS9 Objective 3: To proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.*

Services – The proposal is for 18 dwellings and will not trigger any specific requirements.

Social infrastructure – LAP requires provision per 10 dwellings.

Facilities – The proposal is for 18 units – no requirement.

Retail – The proposal is for 18 units – no requirement.

Open space Amenity – Concerns arise in relation to provision and location. It is considered that the public open space proposed is not useable as it is proposed adjacent to roadways/parking areas and includes peripheral areas. Further information outlined in the Assessment Section of this Report.

Economic activity – N/A

- *CS9 Objective 4: To facilitate and commit to the delivery of new residential development in a coordinated manner, ensuring alignment with investment infrastructure and supporting amenities and services. Such measures shall be delivered through appropriate phasing in line with CS9 SLO1, SLO2, SLO3 and SLO4. See SLO2 below.*

There are no specific SLO objectives pertaining to the subject site.

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Green Infrastructure

In accordance with Section 4.2.3 of the County Development Plan 2022-2028, outlines that the quantity and quality of green infrastructure provided by new development will be improved by the implementation of a Green Space Factor (GSF).

GI5 Objective 4 outlines the following relevant objective:

*'To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq.m. **Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network.** Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).'* [Emphasis added]

The applicant has **not submitted an assessment of the minimum Green Space Factor pertaining to the** application site. The proposed development has therefore not successfully demonstrated compliance with GI5 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022-2028. Had the application been considered otherwise acceptable, a revised design could have been requested.

The subject site is located on the edge of a Strategic GI Corridor, as identified on Figure 4.4: Green Infrastructure Strategy Map of the South Dublin County Development Plan 2022-2028 (Corridor 6: Rural Fringe Corridor).

Under Section 12.4.2, the CDP states that all planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, The development should, at a minimum, protect any existing GI assets and enhance same.

A Green Infrastructure Plan as required as per Section 12.4.2 of the Development Plan, has not been submitted. The Applicant has therefore failed to successfully demonstrate compliance with Section 12.4.2 of the South Dublin County Development Plan 2022-2028.

Having regard to the deficiencies in the information provided by the Applicant and the failure to demonstrate compliance with the relevant policies and objectives of the South Dublin County Development Plan 2022-2028. Had the application been considered otherwise acceptable, this information would have been sought by way of a request for Further Information.

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Design Principles

In accordance with Section 5.2.1 of the Development Plan, 'The Delivery of Sustainable Neighbourhoods - The Plan Approach', the eight key principles apply on all zoned development lands within the County and to a multitude of development types and land uses. The proposal is, therefore, considered against these principles:

Context: Consider existing natural, cultural and built heritage features and green infrastructure elements as well as social, economic and environmental factors that impact on an area.

It is not apparent that these aspects have been considered by the Applicant.

Healthy Placemaking: Promote good urban design, which seeks to create public spaces that are vibrant, distinctive, safe and accessible and which promote and facilitate social interaction.

There are significant concerns regarding the design of the proposal.

Connected neighbourhoods: Promote public transport and other transport facilities that mitigate dependence on cars, promote safe walking and cycling, while assisting with internal movements within neighbourhoods.

The site is adjacent to main street and there are proposed connections to main street.

Thriving Economy: Ease of access to and availability of good jobs and a good quality of life for the community at large.

Proposal does not relate to employment opportunities. It is close to the main street of Newcastle.

Inclusive and accessible: High quality services, community infrastructure and open spaces accessible to all.

There are concerns regarding the open space provision.

Public Realm: A real sense of place, positive purpose and local distinctiveness, where buildings are not only attractive but also safe and useful with lots of green and open spaces for people to spend time, relax and play.

There are concerns regarding the overall design of the development, including public realm.

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***Built Form and Mix:** Promotes a mix of uses with appropriate increases in density and building heights in the right locations maximising the existing transport network and existing infrastructure.*

It is noted that no mix of uses is proposed on the subject site, which is adjacent to Newcastle Main Street, however other exclusively residential uses lie in the vicinity of the subject site.

***Design and materials:** High quality design, materials and finishes and good quality landscaping with robust maintenance protocols for all large residential, commercial and employment developments.*

There are concerns regarding the overall design and materials.

Overall, it is considered that the Applicant has not successfully demonstrated how the proposed development addresses the eight key principles outlined in Section 5.2.1 of the South Dublin County Development Plan 2022-2028. Owing to this deficiency in the information provided by the Applicant, coupled with the failure to demonstrate compliance with other policies and objectives of the Development Plan (as outlined throughout this Report), it is considered that the issues are too significant to be addressed by way of Additional Information and as such, permission should be **REFUSED** for the proposed development.

Design Statement

In line with the provisions of Policy QDP8 Objective 1, all medium to-large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq.m or as otherwise required by the Planning Authority) shall be accompanied by a Design Statement. The proposal falls below the CDP threshold; however, the LAP requires:

'the submission of a design statement and rationale for all housing and/or commercial development that demonstrates how the development incorporates elements that reflects its time and place. This should include for the use of local building materials and respond to this Plan's requirements with relation to urban structure, urban grain, density and land-use, buildings heights, green infrastructure and the historic setting of recorded monuments and protected structures' (Objective BF10)'

The applicant has submitted design statement prepared by Demesne Architects and Interior Designers and therefore has complied with Objective BF10 of the Newcastle Local Area Plan.

In accordance with Paragraph 7.1 'Urban Design Criteria' All developments within the Plan Lands shall comply with the 12 urban design criteria set out under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the

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accompanying indicators detailed under the Urban Design Manual: A Best Practice Guide (2009).

The applicant has outlined an assessment in the Design Statement prepared by Demesne Architects and Interior Designers. Below sets out the Planning Authority's Assessment:

Sites with Varying or Steep Topography

Proposals (including wastewater treatment systems and other infrastructural items associated with residential and agricultural proposals) on sites with a steep and / or varying topography should be accompanied by a comprehensive site analysis (including character appraisal and movement analysis), concept proposal and design statement as described and illustrated within the Urban Design Manual – A Best Practice Guide, DEHLG (2009) It is not apparent that there is any significant change in levels across the previously developed areas of the site. There is a slight fall towards the 'RU' zoned areas.

Land Use, Density, Height

QDP3 Objective 1:

To ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located taking into consideration the provisions set out in Chapters 3 and 4 of this Plan and having regard to the requirements set out in Chapter 12: Implementation and Monitoring in relation to design statements.

Density

Relevant density policies from the Newcastle Local Area Plan are:

- The density of development across the Plan Lands shall accord with that identified for each Character Area under Table 5.3 of this Plan. The density of development on sites that are subject to extant permissions should be amended accordingly, where possible. Extensions of duration of permission should only be granted where development granted prior to the adoption of this Plan accords with this Local Area Plan's density strategy or the densities recommended for small towns and villages under Sustainable Residential Development in Urban Areas (2009). (Objective LUD 18)
- 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. (Objective LUD8)
- Residential development within the Settlement Edge shall be subject to a maximum net residential density of 20 dwellings per hectare. (Objective MSW6a)
- Table 5.4 Recommended Densities and Uses: Settlement Edge; Primary Use - Residential; Density – 15-20dph

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The total site area is 0.38. The gross density is 47dph. This includes all lands, including roads etc, extending into the 'RU' and 'OS' zonings. The applicant only provides a limited analysis of density, in the context of the CDP requirements for infill sites in their Planning Statement and provides no analysis in the context of the LAP provisions. **The proposed density is considered contrary to the following aspects of the Newcastle Local Area Plan:**

- Objective LUD18
- Objective LUD8
- Objective MSW6a
- Table 5.4

Having regard to the unacceptable density proposed and its expression in the excessive height and scale of the proposed development, the proposals would be contrary to Objectives LUD18, LUD8 and MSW6a of the Newcastle Local Area Plan and it is considered that permission should be **REFUSED** for the proposed development.

Height

Relevant policies from the Newcastle Local Area Plan:

- New development shall be a maximum of two storeys in height with limited exceptions for buildings on landmark sites designated within the Village Core and Expansion Area where there is scope for landmark buildings to include elements that reach a maximum height of between 9 and 12 metres depending on location. (Objective BF8).
- Section 5.5.2.3 The former public house site at the north-east corner of the junction between Main Street and Hazelhatch Road provides an important gateway opportunity to announce the approach into Newcastle Village and its historic/cultural quarter.
- 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. (Objective BF10).

The site is not village core or expansion. Therefore, the maximum height is 2 storeys. Noted that the site is identified as a gateway, however, the LAP states that gateway features should be appropriate to the scale and character of the surrounding development. The elements rising above 2 storeys are, therefore, **unacceptable and contrary to the provisions of the Newcastle Local Area Plan.**

Having regard to the unacceptable nature of the height proposed, which would be contrary to Objectives BF8 and BF10 of the Newcastle Local Area Plan, it is considered that permission should be **REFUSED** for the proposed development.

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Cultural / Historic Node and Community Provision

- To concentrate new commercial and community development including retail floorspace around historic/cultural, civic and retail nodes along Main Street in a manner that contributes to Main Street's vitality and viability and its re-establishment as the Village Core. (Objective LUD1)
- Development along Main Street (see Section 6) shall provide for community floorspace within or around the civic and historic/cultural nodes identified under this Plan using St Finian's Community Hall as a centre of focus. This should include for the relocation of 130 sq.m of community floorspace permitted as part of the Ballynakelly Development. (Objective LUD13)
- Streets shall be designed to incorporate changes in materials and finishes to highlight important local features such as at the Civic, Historical/Cultural and Retail nodes and at all Gateways into the Village. Proposals for materials to be used shall be included within all planning applications. (Objective BF12)
- Community facilities provided as part of residential development (**30 sq.m per 10 dwellings**) shall be provided within or around the civic and cultural nodes identified under this Plan using St Finian's Community Hall as a centre of focus. (Objective MSW9)

The site is identified as a historic / cultural node. It is **not apparent that the above requirements have been addressed.**

Urban Design, Architectural Form and Visual Impact

Type and mix

Relevant policies from the Newcastle LAP are:

- Restrict apartments/duplexes only to small gateway and landmark sites and to developments that include an element of retail or service (financial, professional or other) floorspace within the Village Core and the site of the Ballynakelly Local Centre. Such developments shall be of a small scale and shall fulfil a clear aesthetic or wayfinding function. The mix of dwelling types on sites that are subject to extant permissions should be amended accordingly where possible. Extensions of duration of permission should only be granted where development granted prior to the adoption of this Plan accords with this restriction on apartments and duplexes. (Objective LUD14)
- Ensure that at least 90% of dwellings in any residential scheme have two or more bedrooms with the exception of independent housing schemes for older people. (Objective LUD16)
- To encourage a mix of dwelling types and quality designs that will help aid legibility and wayfinding throughout the area. (Objective LUD 17)

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The proposal provides for 18 No. units comprised of 6 No. one bedroom apartments (33.3%), 6 No. two bedroom apartments (33.3%), 3 No. three bedroom duplexes and 3 No. three bedroom apartments (33.3%). The proposed dwelling mix is therefore contrary to Objective LUD14 of the Newcastle Local Area Plan.

It is noted that Section 12.6 of the current County Development Plan set out that “residential development shall provide a minimum of 30% 3-bedroom units” which the current development would comply with. It is noted however that, as per Section 18(4)b of the Planning and Development Act states that “*where any provision of a local area plan conflicts with the provisions of the development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect*”. Accordingly, it is considered that the proposed unit mix is acceptable.

Layout and Frontage

Relevant policies from the Newcastle LAP are:

- Development shall present key building frontages to the street edge within the Village Core and Village Expansion areas in accordance with the requirements of this Local Area Plan. Landscape Frontages shall be presented to the street edge in the Settlement Edge. Active frontages should be promoted as much as possible especially along Main Street. (Objective BF1)
- Where existing significant/historical structures exist along or immediately adjoining Main Street these structures, or parts thereof, shall be incorporated, where possible, within the overall design scheme for any development site. (Objective BF1a)

The proposal provides for frontage along Main Street and Hazelhatch Road. However, the level of activity to the frontage along Main Street is insufficient.

Materials

Relevant policies from the Newcastle LAP are:

- Require the incorporation of a variety of dwelling designs throughout the Plan Lands and particularly within individual developments, subject to the use of a limited palette of materials. (Objective BF7a)
- Gateway and landmark features/structures shall incorporate elements, finishes and materials that reflect the development's time and place. The use of trees and planting as gateway features are encouraged especially at the western gateways of the village. (Objective BF11)
- Streets shall be designed to incorporate changes in materials and finishes to highlight important local features such as at the Civic, Historical/Cultural and Retail nodes and at

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all Gateways into the Village. Proposals for materials to be used shall be included within all planning applications. (Objective BF12)

The Design Statement provides insufficient details in relation to the materiality and architectural character of the proposed development.

The architectural conservation officer has raised concerns regarding the proposed materials.

Neighbourhood

Relevant policies from the Newcastle LAP are:

- Section 6.3 Neighbourhood 1: Main Street (West) states a special character feature is *'Maintain rural character at western end to soften village edge and preserve protected views from Hazelhatch Road'*
- To protect and enhance the setting and views of the Motte, Saint Finian's Church of Ireland Church and Village Green and environs from surrounding development especially the redevelopment of the adjacent public house at the north-east corner of the junction between Hazelhatch Road and Main Street. (Objective MSW2)
- Development shall maintain views of rural lands and Lyons Hill to the south-west from Hazelhatch Road as designated for protection and preservation under the South Dublin County Council Development Plan (2010 – 2016). (Objective MSW2a)
- Development along Main Street shall include for public realm improvements to include planting of indigenous trees, widening of footpaths and provision of robust street furniture. (Objective MSW3)
- 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. (Objective MSW12)
- Section 6.3.4 Development of the former public house at the north-east corner of the junction between Main Street and Hazelhatch Road should be sensitive to surrounding heritage features and spaces and should attempt to incorporate elements of the Protected Structure that previously occupied the site
- Development within the vicinity of an upstanding monument(s) shall enhance the setting of the feature(s) and shall be sited and designed appropriately. Views of the Motte and Saint Finian's Church of Ireland Church from Main Street and Hazelhatch Road shall be protected by sensitive surrounding development. Development of the derelict public house site (previously known as McEvoy's) at the north-east corner of

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the junction between Main Street and Hazelhatch Road should be especially designed to enhance and protect views of the Motte and Saint Finian's Church of Ireland Church. (Objective GI24)

The Applicant has not satisfactorily demonstrated how the proposal would create a vista of the Motte (Objective MSW12). It is considered that the Visual Impact Assessment is deficient in that only 3 No. views are provided. Any future Planning Application for the subject site should include a detailed Landscape Visual Impact Assessment including views from all aspects. The proposal would appear to have a significant visual impact, introducing a building of significant bulk and scale that would not be in keeping with the desired rural character set out in the Newcastle Local Area Plan.

Permeability

All streets are designed in accordance with the Street Hierarchy set out in the Accessibility and Movement Strategy of this Plan.

The report from the Roads Department states *'The pedestrian permeability is good, As shown in Figure 2 the only shared vehicle/pedestrian area is at the access location. This has the potential to be confusing, particularly at the access point. The applicant should consider providing a dedicated footpath at this location.*

The applicant is providing a new footpath around the southern perimeter of the development, this is welcomed. There will also be an uncontrolled pedestrian crossing at the

Hazelhatch/Newcastle main street junction'.

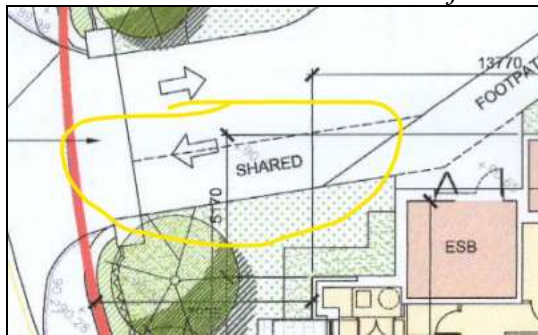


Figure 1 shared surface at entrance.

The proposal provides for adequate permeability, however as outlined above concerns arise in relation to the shared vehicle/pedestrian with the potential for confusion at the access point. A dedicated footpath should be provided at this location.

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Visual Impact

The applicant has included a number of CGIs which indicate a proposal with a significant bulk and not in keeping with the desired rural character set out in the LAP.

Architectural Form

- The materials, texture and colour of proposed carriageways shall be appropriate to their location within Newcastle. The width of vehicular carriageways shall be minimised to the requirements of the appropriate design speed, user needs and context and function of the street. (Objective BF3)
- Pedestrian facilities such as wide footpaths and well-designed crossings will form part of all planning applications for development within the Plan Lands. (Objective BF4)
- Streets will be designed to reflect the historic character and importance of Newcastle and to contribute to its setting and visual amenity (Objective BF6)

As previously outlined concerns arise in relation to the lack of footpath at the shared vehicular/pedestrian access point, however had the application been considered otherwise acceptable, a revised design could have been requested. Overall, the Applicant has not satisfactorily demonstrated how the proposed development would contribute to the setting and visual amenity of Newcastle.

Bin Storage

Bin storage should be sensitively designed and incorporated into each development in a manner that does not adversely impact on the visual setting of streetscapes. Areas for the storage of bins should be incorporated within the design of each individual dwelling house and should not be included within privacy strips. (7.2.12 – LAP)

Final details of bin storage / collection shall be agreed prior to the commencement of development, via condition.

Impact on Architectural Conservation Area

Section 3.4.3 of the CDP states “Newcastle is an historically significant village originally established as a medieval manor in the thirteenth century. Its large number of surviving archaeological monuments and well-preserved medieval land holding system of burgage plots preserved in hedgerows makes Newcastle a village of national significance. The built fabric of the village core has been classed as some of the oldest in the region. The buildings of interest within the ACA envelope are medieval structures such as tower houses constructed before 1500, the Church of Ireland, the mid-eighteenth century Glebe House, and the Old National School and St Finian’s Roman Catholic Church which date from the early to mid-nineteenth century”.

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Policy NCBH20: Architectural Conservation Areas, seeks to “*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*”.

Relevant policy objectives are:

NCBH20 Objective 1:

To avoid the removal of distinctive features that positively contribute to the character of Architectural Conservation Areas including building features, shop fronts, boundary treatments (including walls), street furniture, landscaping and paving.

NCBH20 Objective 2:

To prohibit demolition of a structure that positively contributes to the architectural character of the ACA.

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.

NCBH20 Objective 8:

To ensure that all planning applications for new developments within or immediately contiguous to an ACA include an Architectural Impact Assessment and Design Rationale addressing design considerations such as urban structure and grain, density and mix, scale, height, materials, landscape, views and landmarks and historic development.

The Architectural Conservation Officer stated:

“Appraisal

This is an application for the 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.

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The former McEvoy's Public House was a thatched roof vernacular cottage at the corner of Main Street and Hazelhatch Road. The existing structure was a landmark due to its location and in particular due to its thatched roof and vernacular style. Unfortunately, the original building was severely damaged by fire in 2004 and due to structural issues, the structure was beyond repair in its current state and therefore was removed from the RPS as it had lost all of its special architectural elements. However, the location of this site is important as it is the main approach heading into Newcastle Village and is part of the historic core adjacent to St. Finian's Church of Ireland Church and other sites/structures of architectural and historical significance in providing Newcastle Village with its unique character.

It should be noted that a previous application for the site was submitted during 2006 under Reg. Ref. SD06A/0026 which was for a mixed-use development and redevelopment of the public house and restaurant. This application was considered acceptable from an architectural conservation perspective as the development was small scale and the overall design and materials reflected the overall site context within the historic core of Newcastle.

As detailed above Newcastle Village is designated as an Architectural Conservation Area and therefore any new development within the ACA should be appropriate within the overall site context and sit sensitively within the historic core and ACA. The overall design should be detailed in a Design Rationale as part of an Architectural Impact Assessment.

Proposed Development

The proposed development will be highly visible given its location as a corner site along the roadside of Main Street. It will be highly visible on approach along Main Street and from the historic core of the Village and also on approach entering the Village and ACA.

The proposed development consists of 2 blocks which are 3-storey and 2-storey apartments/duplexes, which are set along the roadside of Main Street. The development is being described in the visual impact assessment report as a gateway building into the Village. However, given the proposed height and block form the proposed development fails to address the site context and its close proximity to the historic village core and any visual impacts within the Architectural Conservation Area.

The block form and height proposed does not reflect the building type and finishes within the Village area. Although reference has been made to the Newcastle LAP (Objective G124, LUD5, BF10 and BF11) it is felt that the proposed development fails to address or reflect the objectives.

A Gateway and Landmark feature are referenced in the LAP under specific objectives for this site. It is considered that providing a landmark and gateway building, does not prescribe 3-

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storey, large block forms which provide no link or context setting or design elements that reflect its location at the entrance to the historic core and Village.

The overall design of the proposed new apartment blocks does not reflect a contemporary new build within a Village Setting and within an Architectural Conservation Area. The fenestration, corner detail and proposed material finishes also fails to reflect or take design interest or elements from the existing village and its existing building form and type. In its current form the proposed development is not in keeping within its site context and has failed to provide a sensitive development at this key location.

Recommendation

Given the issues and concerns detailed within the appraisal above. It is considered that the proposed development is not acceptable and should therefore be refused”.

Having regard to the issues and concerns outlined in the Report of the Architectural Conservation Officer, it is considered that they are too significant to be overcome by way of Additional Information. It is therefore recommended that permission be **REFUSED** for the proposed development.

Residential Amenity

Overlooking, Overbearing, Overshadowing

It is noted that there is an existing detached dwelling located to the north of the application site. A separation distance of between approx. 13 and 25 meters would be maintained. In accordance with Section 12.6.7 ‘Residential Standards’ of the CDP, *“In this regard and as a benchmark for development, a minimum clearance distance of circa 22 metres, in general, is required between opposing windows, including in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy in line with the provisions of the Urban Design Manual as detailed above. In all instances where the benchmark separation distance is not being met, the applicant shall submit a daylight availability analysis for the proposed development and detail appropriate design measures to reduce undue overlooking”.*

The Applicant has not provided a detailed Daylight, Sunlight and Shadow Analysis and has therefore failed to demonstrate that the proposed development would not have a significant impact in terms of overlooking, overbearing and overshadowing. Had the application been considered otherwise acceptable, further information in this regard could have been requested.

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Internal Accommodation / residential standards

Section 7.2.8 of the LAP requires compliance with Sustainable Urban Housing: Design Standards for New Apartments (2007). 12.6.7 of the CDP also requires compliance with the updated guidelines.

The proposed units appear to the minimum internal accommodation and private open space requirements set out in the Apartment Guidelines and Table 3.21 of the County Development Plan. However, the requirement the Applicant has not demonstrated compliance with the required Communal Open Space provision as outlined in Table 3.21.

Public open space

Newcastle LAP states that a linked open space hierarchy shall be implemented fully across the Plan Lands and all proposed developments shall contribute to the achievement of this integrated Green Infrastructure Network. The site is not zoned A1 / RES-N and therefore the 14% requirement does not apply.

All proposed public open spaces shall have a clear role and function that falls within the Plan's open space hierarchy detailed under Table 5.1 and shall comply with the qualitative standards detailed under Sustainable Residential Development in Urban Areas, 2009. (Objective GI2)

It is noted that the new Development Plan has introduced a new standard under Section 8.7.3. The Development Plan standard is 10% on 'RES' zoned lands (0.038ha in this instance). Section 8.7.3 of the Development Plan requires an overall standard of 2.4ha per 1,000 people. In terms of the overall standard of 2.4 Ha of open space per 1,000 Population, this proposal would provide

12 * 1 and 2 bed (occupancy rate = 1.5) - 18

6 * 3 bed (occupancy rate = 3.5) - 21

39 people

Overall Standard	2.4 Ha per 1,000 Population
	0.0024ha per person
39 * 0.0024	0.0936 ha

The total open space requirement to meet the overall standard of the Development Plan is 0.1316ha. Some concerns arise in relation to the accessibility and layout of the proposed Public Open Space. These concerns are further outlined under the Parks and Public Realm heading below.

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Access, Parking & Permeability

Relevant policies from the Newcastle LAP are objectives GI1:

- All relevant development proposals especially street proposals shall implement and adhere to the street hierarchy detailed in Table 5.3 and shall largely comply with the street designs detailed in Appendix 3 (AM1)
- Development proposals shall offer choices of routes and help to dissipate vehicular traffic throughout the Plan Lands. This will include a design speed of 30 kilometres per hour for Access Streets (AM2)
- All Neighbourhoods shall be afforded direct vehicular, pedestrian and cyclist access to Main Street. Access routes and streets shall be safe, barrier free and overlooked by development. (AM3)

The Roads Department Report states:

“Access & Roads Layout:

There are two vehicle access proposed. A two way at Hazelhatch road and a one direction at Newcastle main street. The roads department consider the second access unnecessary. The one-way system may lead to confusion by motorists using it to access the development. Considering the increase in development in the area there will be an increase in the number of access points along the Newcastle main street, the roads department would like to keep the vehicle turning to a minimum.

The applicant should show all traffic accessing from the Hazelhatch access.

A swept path for refuse and fire tender have been submitted.

Sight lines for both access points have been submitted, although the setback on the Hazelhatch access is only 2.0m while the other setback is 2.4m. both visibility setbacks should be 2.4m.

None of the internal road widths are shown on the layout plans.

There is no turning location if the car park is full.

Car Parking:

There is 24no. parking spaces 2no mobility impaired and 2no. EV charging. The parking spaces have 6.0m reversing space behind them. The amount of EV charging should be 20% of the overall.

For Zone 1 the maximum number of parking spaces is 23no.

6 one bed apartments = 6

6 two bed apartments = 7.5

3 three bed duplexes and 3 three bed apartments = 9

The applicant has over provided on car parking spaces.

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Bicycle Parking

The county development plan requires 1 per bedroom long stay and 1 per tow apartments short stay. This equates to 36no. long stay and 9no short stay bicycle parking spaces.

The applicant has proposed 16no. internal spaces 20no. external. The amount provided is below the minimum required.

Additional information has been requested. However, given the proposal is lacking in a number of other matters, it is considered that Planning Permission should be **REFUSED**.

Parks and Public Realm

Relevant policies from the Newcastle LAP are objectives GI1, GI2, GI9, GI10, GI11, GI12, GI13, GI14, GI15, GI16, GI17, GI18, GI27, GI28, GI29, GI30, GI31, GI34, PN4, LUD7.

The report from the Parks and Public Realm Department indicates that the following information was not included in the Planning Application:

- **Public Open Space**
 - The current proposal lacks useable public open space, i.e., public open space is proposed alongside roadways/parking areas and include peripheral areas.
 - The applicant is requested to provide a revised layout so that public open space is provided that is accessible to the public and safe for people to use and children to play.
- **Green Infrastructure Plan**
 - Provide a Green Infrastructure Plan according to the requirements of SDCC County Development Plan (2022-2026)
- **Green Space Factor**
 - Provide a Green Space Factor according to the requirements set out in the SDCC County Development Plan (2022-2026)
- **Play**
 - Refer 1 above: Revise the layout to provide accessible natural play.
- **SuDS**
 - Proposals that show the amenity and biodiversity value of SuDS. The Landscape Plan hasn't show how bioretention areas are to be landscaped into the site. The SuDS measures proposed by the engineer include tree pits, however they are not shown on the landscape plan and there are no details showing how they work. We require for all SuDS features showing how they work and planting details where relevant.

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Having regard to the deficiencies in the information provided by the Applicant, coupled with the failure to demonstrate compliance to other policies and objectives of the Development Plan (as outlined throughout this Report), it is considered that permission should be **REFUSED** for the proposed development. Were the proposals otherwise acceptable, further information could be sought in relation to the green space factor, a green infrastructure plan and details around the operation of SuDs measures.

Drainage and Water Services

The Drainage and Water Services Department have assessed the proposed development, with their Report indicated that permission should be **REFUSED** for the following reasons:

- *'The proposed Surface Water sewer connection is not feasible because of the poor condition of surface water pipe being connected to on Hazlehatch Road, Newcastle. The surface water pipe on Hazelhatch road is not in a suitable condition to take Surface Water from proposed site.*
- *The surface water attenuation proposed of 117m³ is undersized by approximately 45%.*
- *Water services recommend refusal of proposed development because the surface water pipe on Hazlehatch Road is not in adequate condition to accept surface water from proposed development. The proposed development would be prejudicial to public health and proper planning.'*

Irish Water have assessed the proposed development, noting that the following information was not provided with the Application:

- A letter of confirmation of feasibility for proposed development in relation to the proposed water and foul infrastructure.
- A Pre-connection enquiry in relation to the proposed water and foul infrastructure.

Having regard to the deficiencies in the information provided by the Applicant and the concerns of the Drainage and Water Services Department. While it is noted that this information represents a significant issue, which would likely result in significant design changes, had the application been considered otherwise acceptable, a revised design could have been requested.

Part V Social & Affordable Housing

The Housing Department has indicated that, should permission be granted for the proposed development, a Part V condition should be attached.

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Noise and Environmental Health

The Environmental Health Officer has raised no objections in relation to the proposed development.

Ecology

The Heritage Officer of South Dublin County Council noted that the ecological information contained within the Planning Application is deficient in that no site specific Bat Survey and Assessment has been carried out.

Newcastle is a known location for bat roost. Having regard to the overgrown vegetation and derelict/semi-derelict buildings present on the subject site, it is considered that a detailed Bat Survey is required to be undertaken by an appropriately qualified and experienced Bat Ecologist. The Bat Survey should be undertaken during the correct season of the year for the species and under the appropriate weather conditions for such surveys.

Having regard to the deficiency in the ecological information provided with the Planning Application, coupled with the failure to demonstrate compliance to other policies and objectives of the Development Plan (as outlined throughout this Report), it is considered that permission should be **REFUSED** for the proposed development. Any future Planning Application pertaining to the subject site should contain a detailed ecological assessment of the subject site and any proposed development, to include a Bat Survey and Assessment.

Energy

Objective BF7b of the Newcastle Local Area Plan states that it is an objective to:

'Require all new buildings to be high in energy efficiency and to use energy sources that minimise damage to the environment. All new buildings shall comply with Section 5.4 (Sustainability and Energy Efficiency) of Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) and the relevant Building Regulations'.

Objective BF8a of the Newcastle Local Area Plan states that it is an objective to:

'To promote innovative building design that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources in accordance with national regulations and policy guidelines'.

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Section 12.10.1 of the South Dublin County Development Plan 2022-2028 Energy Performance in New Buildings states that:

“Development proposals for medium to large scale residential and commercial developments in excess of 10 residential units and / or 1,000 sq. m of commercial floor space should be accompanied by an Energy Efficiency and Climate Change Adaptation Design Statement. The statement should detail:

- *How any on-site demolition, construction and long-term management of the development will be catered for;*
- *How energy and climate change adaptation considerations have been inherently addressed in the design and planning of the scheme”*

It is considered that the Applicant has not successfully demonstrated compliance with the requirements set out in Objectives BF7b and BF8a of the Newcastle Local Area Plan and Section 12.10.1 of the South Dublin County Development Plan 2022-2028.

Archaeological and Built Heritage

The subject site is located within a Site of Geological Interest Code: SD010 Newcastle Buried Channel, and the majority overlaps with the Newcastle Area of Archaeological Potential and Record of Monument and Place Duchas No. 020-003 Newcastle Village.

The Development Applications Unit of the Department of Housing, Local Government and Heritage have assessed the proposed development, with their Report indicating that permission should be **REFUSED** for the proposed development on the following grounds:

1. Negative Impact on Particular Monuments and the wider Archaeological Landscape

- The proposed development is partially within the Fair Green, a constituent part of the recorded monument RMP No. DU020-003--- Village.
- Of the other recorded monuments within the immediate area of the proposed development, the setting and visual amenity of the recorded monument RMP No. DU020-00301- Motte and RMP, will be directly impacted by the proposed development.
- The development as currently proposed will have both a visual impact and physical impact on the historic fair green which is an integral part of recorded monument RMP DU020-003--- Village.

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2. Submitted documentation is insufficient

- The physical impact of the proposed development on the Fair Green of the recorded monument RMP No. DU020-003--- Village is not considered in the ACHIA report.
- The impact of the proposed development on the setting of the recorded monument RMP No. DU020-00301- Motte is not considered in the ACHIA report. It is claimed in the report that '*the existing buffer to the Castle – motte (RMP DU020-00301- will remain and there will be no impact on the setting of the monument*' (pp 26). The Department disagrees with this statement for the following reason -
- The impact of the proposed development on the setting of the recorded monument RMP No. DU020-003001- Motte is not considered in the VIA report.

3. Proposed Development is Contrary to the Policy and Objectives of the South Dublin County Council Development Plan 2016-2022 and the Newcastle Local Area Plan (adopted until 9th December 2022) South Dublin County Council Development Plan 2016-2022

- UC3 Objective 1:
To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs)
- UC3 Objective 2:
To promote design standards and densities in traditional village centres, that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes.
- HCL2 Objective 2:
To ensure that development is designed to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features and objects.
- HCL2 Objective 3:
To protect and enhance sites listed in the Record of Monuments and Places and ensure that development in the vicinity of a Recorded Monument or Area of Archaeological Potential does not detract from the setting of the site, monument, feature or object and is sited and designed appropriately.

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Newcastle Local Area Plan

- That development at the western end of Main Street contributes to the establishment of a 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 LUD4)**
- Development of the former public house site at the north-east 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. **(Objective LUD5)**

The Report of the Development Applications Unit of the Department of Housing, Local Government and Heritage, makes reference to the objectives of the South Dublin County Council Development Plan 2016-2022.

Whilst it is acknowledged that this Development Plan was superseded by the South Dublin County Development Plan 2022-2028 on 3rd August 2022, the objectives referred to remain included in the current Development Plan as follows:

South Dublin County Council Development Plan 2016-2022	South Dublin County Development Plan 2022-2028
UC3 Objective 1	QDP3 Objective 2
UC3 Objective 2	QDP3 Objective 3
HCL2 Objective 2	NCB13 Objective 2
HCL2 Objective 3	Ncb13 Objective 3

Having regard to the above it is considered that the concerns of Development Applications Unit of the Department of Housing, Local Government and Heritage remain relevant in the context of the new County Development Plan enacted on 3rd August 2022.

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The Report of the Development Applications Unit of the Department of Housing, Local Government and Heritage concludes as follows:

'This Department has real concerns on archaeological and built heritage grounds to the development as is currently proposed. There will be a direct negative impact to the Fair Green that will fundamentally alter the Fair Green, which forms an intrinsic and significant part of the recorded monument RMP No. DU020-003--- Village.

There will also be a negative impact on the setting of the recorded monument RMP No. DU020-00301- Motte. The submitted ACHIA and VIA reports are insufficient in clarity, mitigation strategies and in considering the cumulative impacts of the proposed development; finally, the proposed development is contrary to certain heritage Policy and Objectives as outlined in the current South Dublin County Development Plan 2016-2022 and the Newcastle Local Area Plan (adopted until 9th December 2022).

This Department would like to reiterate that it would be happy to consider any new design proposals that are submitted, and which consider fully, and integrate within the design proposal, the archaeological heritage and cultural integrity of the village of Newcastle and its surrounding recorded monuments.

Accordingly, the Department recommends that the planning authority ask the applicant to submit a revised proposal.'

Having regard to the concerns outlined in the Report of the National Monuments Service, it is considered that they are too significant to be overcome by way of additional information and as such, permission should be **REFUSED** for the proposed development.

Screening for Appropriate Assessment

The Applicant has provided an Appropriate Assessment Screening of the proposed development within the Planning Statement prepared by David Mulcahy Planning Consultants Limited, which notes that:

'The subject site is located a considerable distance away from any Natura 2000 site. The subject site is situated approximately c. 7.1 kilometres from the closest Natura 2000 site, namely the Rye Water Valley/Carton SAC, Site Code: 001398. Taking into consideration the significant distance, the absence of any ecological link to this Natura 2000 site, the small-scale nature of the development and the proposed connection to public mains in respect of foul it is submitted that there is no material risk to any Natura 2000 site within 1.5km of the site.'

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On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An Appropriate Assessment is not, therefore, required.

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

Conclusion

Significant concerns arise regarding the proposed development, including but not limited to the compliance with the zoning objectives of the subject site, excessive density as expressed in the height, design and layout of the proposal, the adverse effects on the Newcastle Architectural Conservation Area, the lack of information regarding the Green infrastructure Network and the Green Space Factor of the proposed development, the lack of Ecological information and the feasibility of the proposed drainage and water services infrastructure, the impacts on recorded monuments.

Having regard to the significance of the concerns, the deficiencies in the information provided by the Applicant and the failure to demonstrate compliance with the relevant policies and objectives of the South Dublin County Development Plan 2022-2028 and the Newcastle Local Area Plan, it is considered that the concerns cannot readily be overcome by a requested for Additional Information and, as such, permission for the proposed development should be Refused.

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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. It is considered that the Applicant has failed to demonstrate compliance with the Zoning Objectives pertaining part of the subject site, having particular regard to the proposal for car parking and roads infrastructure on the portion of the subject site Zoned 'RU' where the stated objective in the South Dublin County Development Plan 2022-2028 is 'To protect and improve rural amenity and to provide for the development of agriculture'. Whilst residential development is 'open for consideration' on lands zoned 'RU', this is only where Council Policy for residential development in rural areas has been adhered to. The Applicant has not provided any evidence that any element of the proposed development would satisfy either the need for rural housing or the broader objective of the 'RU' zoning. The proposed development would therefore be contrary to the zoning objective of the subject site as outlined in Table 12.16 of the Development Plan and the relevant policy in relation to rural housing outlined in Section 12.6.9 of the Development Plan. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The subject development would, by reason of the proposed sitting and design, result in a significant and detrimental impact on the adjoining heritage asset, namely the recorded monuments RMP No. DU020-00301- Motte and RMP and RMP No. DU020-003--- Village, particularly the historic fair green which is an integral part of recorded monument. Accordingly, the proposed development would have an unacceptable level of impact on the archaeological and built heritage on the subject site and within the surrounding receiving context of the Newcastle Architectural Conservation Area, and would therefore be contrary to UC3 Objective 1, UC3 Objective 2, HCL Objective 2 and HCL Objective 3 of the South Dublin County Development Plan 2022-2028 and Objective LUD4, Objective GI20, GI21 and Objective LUD5 of the Newcastle Local Area Plan as well as the proper planning and sustainable development of the area.
3. The proposed development by reason of its height, massing, configuration, materiality and horizontal emphasis fails to make the most of this prominent corner site at the entrance to Newcastle Village and this visually dominant development would have serious adverse effects on the special character of the Newcastle Architectural Conservation Area. Furthermore it is considered that the overall design of the proposed new apartment blocks would be of insufficient architectural quality and would detract from the special character and setting of the adjoining Recorded Monuments and Protected Structure. It is therefore considered that the proposed development would be contrary to Section

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3.4.3, NCBH20 Objective 1, NCBH20 Objective 2, NCBH20 Objective 3 and NCBH20 Objective 8 of the South Dublin County Development Plan 2022-2028, as well as Section 6.3.4 and Objectives GI24, LUD5, BF8, BF10 and BF11 of the Newcastle Local Area Plan and would therefore be contrary to the proper planning and sustainable development of the area.

4. The proposed development by reason of its layout and configuration is deficient in terms of the provision of useable, accesible and safe public open space including play areas for children contrary to Section 8.7.3 of the South Dublin County Development Plan 2022-2028 and is therefore contrary to the proper planning and sustainable development of the area.

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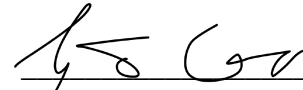
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REG. REF. SD22A/0322

LOCATION: Lands at former McEvoy's Pub, Main Street, Newcastle, Co. Dublin




Colm Harte,
Senior Executive Planner



Gormla O'Corrain,
Senior 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: 03 Oct 22



Mick Mulhern, Director of Land Use,
Planning & Transportation