



An
Bord
Pleanála

Inspector's Report PL.06S.247964

Development	46 houses, landscaping, car parking, junction works onto access road, boundary treatment and associated site development works.
Location	Newcastle, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD16A/0224
Applicant(s)	Geotechnical Investigations LTD.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	15 th May 2017
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located within the centre of Newcastle village. The appeal site is accessible from a new distributor road which currently provides access to a recently constructed primary school. St. Finian's National School is located on the opposite side of the distributor road from the appeal site.
- 1.2. The Distributor Road provides three access points to the appeal site. There is a public footpath and lighting located to the immediate west of the appeal site and adjacent to the Distributor Road. The gradient of the Distributor rises gently upwards from the Main Street to the north.
- 1.3. The Distributor Road takes its access from the Main Street to the north of the appeal site. There is a vacant site situated between appeal site and the Main Street.
- 1.4. The size of the appeal site is approximately 1.32 ha (3.3 acres) and the shape of the appeal site is irregular. The appeal site is currently a vacant overgrown site.
- 1.5. The gradient of the appeal site rises gently upwards in a north-south direction.
- 1.6. The appeal site is divided into two sites by a fence / hedgerow. On one side of the fence / hedgerow is a depot / construction storage yard and on the other side is the remainder of the overgrown vacant site.
- 1.7. There is an overhead utility line situated to the north of the appeal site and there is a large / mature hedgerow situated along the eastern boundary of the appeal site.
- 1.8. The lands to the immediate east of the appeal site are vacant green fields.
- 1.9. The Main Street in the immediate vicinity of the appeal site is characterised by both single storey and two-storey suburban type housing and some neighbourhood shops.

2.0 Proposed Development

- 2.1. The proposed development comprises of 46 no. two-storey houses. The proposed site layout comprises of 10 no. blocks which consist of either terraced or semi-detached dwellings.
- 2.2. The following table is a schedule of the proposed houses;

<u>Block</u>	<u>Type of Units</u>	<u>No. of Units</u>
A	Terraced	10
B (x2)	Semi-detached	2(x2)
C (x2)	Semi-detached	2(x2)
D	Terraced	9
E	Terraced	8
F	Terraced	7
G	Semi-detached	2
H	Semi-detached	2

- 2.3. The private open space provision is in the form of rear gardens and 16 of the terraced houses include balcony provision. These balconies are situated in the attic rooms in Blocks A, D, E and F. I would note that the attic rooms in the proposed terraced houses are an optional space. There is also balcony provision to the side of the proposed 12. no semi-detached dwellings.
- 2.4. There is a single area of public open space situated to the south of the development site.
- 2.5. The car parking provision to serve the proposed development is 88 no. spaces and consists of on-street car parking.
- 2.6. The proposed development will be served by public water main and public sewer.

Additional information was sought in relation to the following; (a) indicate how the proposal would interact with the masterplan layout, (b) hedgerow survey, (c) detailed landscape plan, (d) drainage details, (e) housing design, (f) bat survey, (g) archaeological assessment report, (h) access, roads and parking provision, and (l) public lighting provision.

3.0 Planning Authority Decision

South Dublin County Council decided to **refuse** planning permission for the following reasons;

1. Objective N1 of the Newcastle LAP, 2012, states that planning applications shall be 'accompanied' by a masterplan layout drawing that details how the proposed building(s), street(s) or space(s) fit within the framework for the neighbourhood to which they relate in terms of accessibility and movement; integration of development; density and land-use; green infrastructure and built form'. The information submitted does not adequately demonstrate how the proposed development would fit within the wider Newcastle Local Area Plan framework and the design of the scheme indicates physical barriers including turning heads and parking spaces that would hinder future connection to adjoining lands. Therefore, the proposed development would compromise the implementation of the Newcastle LAP, 2012, and would be contrary to the proper planning and sustainable development of the area.
2. Section 11.3.1(iii) of the South Dublin County Development Plan, 2016-2022, states that 'in areas that are designated Zoning Objective RES-N, all new residential development shall be required to incorporate a minimum of 14% of the total site area as public open space'; that 'a detailed Landscape Plan that outlines the extent of open space and details for its treatment will be required with residential developments of 10 units and above' and that 'opportunities for children's play should be addressed as part of the Landscape Plan'. Section 6.6 of the Newcastle Local Area Plan states that the Burgage South neighbourhood 'will be focussed on a large neighbourhood park (Burgage South)' and Section 7.2.17 and 7.2.18 sets out the requirements for play area provision within the park. The proposed development does not provide the part of Burgage South Park within the ownership of the applicant and provides no functional public open space or play area. This would render it seriously

deficient with regard to the amenity of future residents and with respect to implementation of the vision of the Newcastle Local Area Plan. As such, the proposed development would not be compliant with the Newcastle Local Area Plan, 2012, and would materially contravene the objectives of the Development Plan as outlined above.

3. Objective BN7 of the Newcastle LAP, 2012, states that 'development within the Burgage South Neighbourhood shall provide for residential uses including housing for older people at a maximum density of circa 30 dwellings per hectare'. The density of the proposed development would be 38.7 units per hectare which is considerably in excess of the maximum envisaged and would therefore be contrary to the provisions of the Newcastle Local Area Plan, 2012, and would not be in accordance with the proper planning and sustainable development of the area.
4. Having regard to the location of the site within the historic burgage plot system of Newcastle, the proposed development does not comprehensively protect or have regard to this network, in particular through the proximity of built form to burgage hedgerows and incompatibility between the proposed site layout plan and the drawing indicating trees to be protected/removed. As such, the proposed development would not comply with Objectives BS1, GI7, GI8 or GI9 of the Newcastle Local Area Plan, 2012, which require the incorporation and suitable protection of these historic boundaries within developments. The proposed development would therefore conflict with the provisions of the Newcastle Local Area Plan, 2012, and would be contrary to the proper planning and sustainable development of the area.
5. Having regard to the excessive density of the proposed development; its lack of provision of the relevant part of Burgage South Park; the lack of sufficient quantity of functional public open space or a children's play area; the height of

the blocks on the east-west streets; the limited passive surveillance and the creation of a poor quality streetscape fronting the burgage footpath; inadequate details regarding landscape design, protection of trees and hedgerows, bat hops, boundary treatment and footpath width; and lack of functional private amenity space for the southernmost Blocks B and C, the proposed development would contravene the urban design criteria as identified in the 'Sustainable Residential Development in Urban Areas' Guidelines (Department of Environment, Heritage and Local Government, 2008) and would not comply with the requirements of the Newcastle Local Area Plan, 2012. The proposed development would therefore represent a substandard form of development, which would be contrary to the proper planning and sustainable development of the area.

6. Core Strategy Policy 6 Objective 2 of the South Dublin County Development Plan, 2016-2022, relates to Local Area Plans, Approved Plans and Studies. This states that it is an objective of the Council 'to support a plan led approach in Local Area Plan areas by ensuring that development complies with the specific local requirements of the Local Area Plan, in addition to the policies and objectives contained in this Development Plan'. Having regard to its lack of compliance with the Newcastle Local Area Plan 2012, the proposed development would materially contravene the Development Plan and would be contrary to the proper planning and sustainable development of the area.
7. Having regard to the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2015), the apartments contained in Blocks B and C do not have clearly delineated private open space provision and the depth of the private open space for the southerly blocks is inadequate to facilitate functional use of the space by the future residents. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

8. The applicant has not submitted evidence to demonstrate that future residents of the scheme would have entitlement to access the site from the existing school access roadway. As such, the proposed development must be considered to be contrary to the proper planning and sustainable development of the area.
9. Inadequate information has been submitted in relation to the public lighting of the proposed development. As such, the proposed scheme must be considered to be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

- 3.1.1. The main issues raised in the planner's report are as follows;

Senior Executive Planner

- The subject site has two zoning objectives, i.e. RES-N, LC and OS. The proposal is permitted in principle in RES-N, LC and open for consideration in OS.
- The Burgage South Park cannot be provided in in the exact location as indicated in the LAP due to the construction of the roundabout which was part of the adjacent school permission.
- The future proposals for green land south of the existing roundabout needs to be resolved.
- The proposed density exceeds the permitted density by approximately 6 units.
- The submitted application does not include a Design Statement or Masterplan which are both required.
- In terms of urban design the following is noted;
 - There is a lack of an integrated design approach for the burgage hedge

- It is submitted that the layout of the roads and future access to the east may prohibit future redevelopment to the south of rear gardens 'The Rise'.
 - Footpaths on the north-south access should be a minimum 3m wide
 - Type of use is acceptable
 - The site is located within an ACA and such a higher level of material provision should be indicated.
 - No attempt has been made to use the existing burgage plots in the proposed design.
 - There is concern in relation to the usability of the public open space which is located to the rear of houses.
 - Appropriate separation distances are provided.
 - A greater level of parallel parking should be considered to avoid large visual expanses of parking.
 - The overall layout of the proposed streets allows for overlooked streets which is acceptable.
 - There is no landscaping plan.
 - The public open space is incidental.
- The applicant is required in accordance with Section 8 of LAP to provide community facilities in the form of a public park.
 - No detrimental overlooking would occur.
 - All dwellings meet minimum floor area standards and private open space provision.
 - Greater attention to detail required for finishes given ACA location.
 - Greater attention required for north-south link in terms of landscaping as it is identified as a green link in the LAP.
 - Adequate car parking provision provided.
 - Street lighting layout is required.

- A letter of consent is required for the future homeowners to use the access road.
- No boundary treatment details have been submitted.
- Insufficient information in relation to surface water has been submitted.
- The application needs to address intentions in relation to burgage hedgerows.
- Archaeological appraisal required.
- Bay Survey required.

3.1.2. Water Services Section; - Additional information requested in relation to surface water and a flood risk.

3.1.3. Environmental Services; - Applicant is requested to revise the watermain layout.

3.1.4. Environmental Health Officers; - Development is acceptable subject to conditions.

3.1.5. Roads Department; - Additional information sought in relation to (a) details of rights of way along the access road and letter from the owner of this road consenting the applicant to use the road, (b) a public lighting scheme, and (c) revised access layout showing turning bay at end of Street 1/2/2a and existing footpath shown at roundabout not trees.

3.1.6. Environmental Services with respect to Project C & D Waste Management; - Additional information sought in relation to Project Waste Management Plan for construction and demolition waste.

3.1.7. Housing Department; - Proposal is acceptable subject to conditions.

3.1.8. Environment, Water and Climate Change – Proposal is acceptable subject to conditions.

3.1.9. Submissions; - There is a submission from Irish Water which requires the applicant to revise the watermain layout.

3.2. **Third Party Observations**

There are two third party submissions and the issues have been noted and considered.

4.0 Planning History

- L.A. Ref. 12059/84 – Permission **granted** for 36 no. dwellings.

5.0 Policy Context

5.1. Development Plan

South Dublin County Council Development Plan, 2015 – 2021, is the operational Development Plan.

The appeal site has three zoning objectives. The majority of the site is zoned Objective RES-N, while smaller strips of land relating to the subject site are zoned 'Objective VC' and 'Objective OS'.

The zoning objectives are as follows;

- Objective RES-N 'to provide for new residential communities in accordance with approved area plans'.
- Objective VC 'to protect, improve and provide for future development of Village Centres'.
- Objective OS 'to preserve and provide for open space and recreational amenities'.

The following residential policies are relevant for the proposed development;

- Housing Policy 3 Housing for Older People
- Housing Policy 7 Urban Design in Residential Development
- Housing Policy 8 Residential Densities
- Housing Policy 9 Residential Building Heights
- Housing Policy 10 Mix of Dwelling Types
- Housing Policy 11 Residential Design and Layout

- Policy 12 Public Open Space
- Policy 13 Private and Semi-Private Open Space
- Policy 14 Internal Residential Accommodation
- Policy 17 Residential Consolidation

6.0 Local Area Plan

The Newcastle Local Area Plan, 2012, is the statutory Local Area Plan. Section 6.6 Neighbourhood 4: Burgage South is relevant and this section provides guidance in relation to the following;

- Green Infrastructure
- Accessibility and Movement
- Land use and Density
- Built Form

7.0 National Policy

Sustainable Residential Development in Urban Areas, 2009

The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 sets out guidance for residential development in small towns and villages. Appendix A of this document sets out guidance for measuring residential density.

These guidelines provide recommended guidance for internal design standards, storage areas and communal facilities, private open spaces and balconies, overall design issues and recommended minimum floor areas and standards.

8.0 The Appeal

The following is the summary of a first party appeal submitted by the applicant's agent;

Summary

- The proposed development will represent infill development.
- The proposal responds to the housing shortage which is government policy to address.
- The layout of the proposed development is in accordance with the requirements of the Newcastle LAP, the recently constructed distributor road and with the Sustainable Residential Development in Urban Area Guidelines.
- The density of development is appropriate.
- The proposed layout adheres to the master plan.
- The portion of the applicant's land within the neighbourhood park will be ceded to the Local Authority.
- Housing for the elderly is included in the proposal.
- The existing burgage hedgerows will be protected.

Introduction

- There are now two layouts for the proposed development following the request for additional information.
- The Board are requested to consider original layout which is considered the better option.

Item 1

- The proposal would not compromise the implementation of the Newcastle LAP.
- Every effort has been made to comply with the master plan in terms of general and local accessibility, accessing adjoining lands to facilitate their development.
- The proposed layout does not create physical barriers to future development.
- It is submitted that many requirements of the Planning Authority were fulfilled including (a) an alignment of a road along the southern boundary of the site, and (b) blocks of housing along the western boundary of the site.
- The submitted drawing 002ABP shows street no. 1 extended and streets no. 2 and 3 with unobstructed access to the adjoining lands to the east.
- The proposed development provides access to lands to the east.
- The proposed development provides for the development potential to the rear gardens of the 'The Rise'.
- The Planning permission for the school required the construction of the access road with provision agreed for stub access road entrances as constructed.
- It is considered that the proposed development fits into the local area satisfactorily and will provide for the future redevelopment of undeveloped land.

Item 2

- The Local Area Plan provides for the development of a public park.
- This public park is in multiple ownership.
- The financial provision for the development of the park is provided within the Council's Development Contribution Scheme. As such there is no financial burden on developers other than the quantum of land to provide for the park.
- It is proposed that the 14% public open space within the public area could be conditioned as public open space for the proposed development, however

failing this the applicant is prepared to cede the entire ownership within the park area (refer to drawing 002ABP).

- It is submitted that an alternative option is the phased development of Block G of the proposed development as a temporary public open space.
- It is noted from the planner's report that the onus is on the applicant to deliver the public park. However, the applicant has no authority, legal or otherwise, to deal with other landowners.
- The financing of the public park is provided for under the development contribution scheme.
- It is noted that the roadway as constructed conflicts with the Local Area Plan location for the neighbourhood park.

Item 3

- The local authority has measured the density of the development incorrectly.
- The correct approach to measuring residential density is set out in Appendix A of the Sustainable Residential Development in Urban Areas, 2009.
- It is submitted that based on the standard density measurement the density for the proposed development is 35 dwellings per ha.
- It is submitted that the density of recent developments in Newcastle was 40 dwellings per ha. and some of these lands are more remote than the village core where the appeal site is located.
- Chapter 6 of the Sustainable Residential Development in Urban Areas, 2009, advises densities for small towns and villages shall be 30 – 40 for centrally located sites is recommended. This proposed development is consistent with this recommendation.
- The proposal is also consistent with Policy H8 of the County Development Plan.
- It is submitted that should An Bord Pleanála consider the density too high the applicant is willing to accept a condition omitting sites no. 43 – 46.

- The development of the subject site will facilitate the development of adjoining lands and make a modest contribution to the housing crisis.
- 4 no. apartments are proposed for the elderly in Blocks B and C.
- The Council will require a standard condition providing for the provision of social and affordable housing. This was the case in condition no. 18 of L.A. Ref. SD15A/0193.

Item 4

- There were two field boundaries which are considered to follow the historic burgage plot system and these include the former hedgerow along the western boundary of the site.
- This hedgerow was removed to construct the distributor road however the fence follows the line of the former hedge.
- The second hedge is considered historic.
- The Local Authority has not provided any published archaeological evidence confirming that these hedges are medieval plot boundaries.
- It was agreed with the Local Authority the alignment of the burgage boundary which remained on the site would be reinstated. The solution was incorporated into the revised scheme and detailed in the accompanying landscape plan submitted as part of the additional information.
- Therefore, the revised proposal does have regard to the network of burgage plot boundaries.
- It is submitted that the trees and hedgerow along the eastern boundary follow a water course and as such it is not a medieval burgage plot boundary.
- The existing hedge and trees along the eastern boundary will be retained.
- It is unclear how the retention of trees and hedges is incompatible with the proposed layout.
- It is submitted that Objective BS1 of the Local Area Plan was fully complied with.

- It is submitted that objectives listed in the item for reasons for refusal, i.e. G17, G18 and G19 related to SUDS and flood risk management and not trees and hedges as such should not be considered as part of this reason for refusal.

Item 5

- It is submitted that the provision of a park, functional area, public open space and children's play area are all the responsibility of the Local Authority.
- It is submitted that there is no planning and urban design rationale for the reduction in height of the proposed development.
- A drawing (drawing no. 012AI) with reduced heights is attached.
- The proposed houses are two-storey with optional attic space. It is submitted that should An Bord Pleanála consider a reduction in height is necessary then this can be achieved by condition.
- It is submitted that details in relation to landscape design, tree and hedgerow protection, bat hops and boundary treatment were all dealt with in the submission of J.M. McConwillie. Arboriculture consultant.
- It is considered that a replacement hedge is not a practicable proposition and a more appropriate solution would be a plaque / display board. An alternative is calling the houses in Block B and C Burgage Row / Street as the building line would represent the historic boundary.
- It is submitted that the proposal complies with the urban design criteria in the Residential Urban Design Guidelines.

Item 6

- The only deviation from the LAP is the density which as outlined earlier does not accord with the Sustainable Residential Guidelines criteria.
- The proposal is in accordance with the proper planning and sustainable development.

Item 7

- It is submitted that the applicant provided for housing for elderly in accordance with the pre-planning discussion.
- After lodging the planning application, it was submitted that the LA sought additional information requesting the applicant to provide shallow housing and open space was not necessary. This revised layout provided for a reinstated 'burgage hedgerow' complete with a new 'burgage footpath'.
- In addition, a revised site layout plan was also submitted which showed the redesign of Blocks B & C retaining two storey building form providing for elderly apartment and ground floor level with 2/3-bedroom apartment at first floor level. The balconies and patios are acceptable.
- It is submitted that the marking of the historic burgage plot at this location is best achieved by means of building line created by Block B & C as well as erection of plaque / display board in Bealtine Square. The Board are requested to consider the original layout and a suitable condition by An Bord Pleanala could relate to the details of balconies and patios.

Item 8

- In relation to the distributor road and access the Board are requested to refer to the attached solicitor letter which confirms the legal status of the road.

Item 9

- The public lighting will be 6.0m high columns with 0.5m outreach and 55w sox public lighting.
- It is normal practice to impose a condition in relation to the provision of street lighting.
- A condition in relation to lighting was placed in relation to SD15A/0193 (condition no. 15).
- It has also been undertaken to relocate lamp column along the constructed access road.
- It has also been agreed to widen the footpath already constructed.

9.0 Assessment

- Principle of Development
- Residential Amenities
- Residential Amenities – Revised Site Layout
- Urban Design
- Public Open Space
- Landscape
- Density
- Community Facilities
- Access / Public Lighting
- Private Open Space for apartments for Elderly
- Appropriate Assessment

Firstly, however the Board will note that, the Planning Authority's reason for refusal no. 2 and no. 6 stated that the proposal would "materially contravene" the objectives of the Development Plan. Although the Board is constrained by Section 37(2) of the Planning and Development Act, 2000 (as amended), the proposed development is not, in my view, a material contravention of the South Dublin County Development Plan, 2016 – 2022, and the approval of the proposal, should the Board be so minded, is not of a significance which undermines the provisions or relevant objectives of the County Development Plan.

9.1. **Principle of Development**

- 9.1.1. In considering the subject development, I would have regard to both national policy and guidelines. The National Spatial Strategy sets out a 20-year vision for the spatial development of the country designed to achieve more balanced social, economic and physical development between the regions. One of the key approaches taken by the N.S.S. to achieve balanced regional development is set out in Section 1.1 (iv) 'Planning' of the N.S.S. which states that 'Ireland needs to renew, consolidate and

develop its existing cities, towns and villages – i.e. keeping them physically compact and public transport friendly as possible and minimising urban sprawl,

Where greenfield development is necessary it should take place through the logical extension of existing cities, towns and villages'. The N.S.S. encourages more sustainable development which will mean maximising access to and encouraging use of public transport, cycling and walking.

9.1.2. In general, terms the strategy of the N.S.S. is to consolidate urban areas whether they are gateways, hubs, county towns or small villages. A principle of the strategy is the locating of development within existing urban centres which would support and strengthen the development of that urban centre and allow for integrated mixed-use development which would reduce demand for unsustainable transportation modes and which would invigorate and revitalise demand for local services within the centre.

9.1.3. Section 5.3.1 of the N.S.S. outlines that sustainable provision of housing in urban areas involves concentrating development in optimum locations, mixed-use and higher densities in town centre locations, and 'the efficient use of land by consolidating existing settlements, focussing in particular on development capacity within central urban areas through re-use of under-utilised land and buildings as a priority, rather than extending green field development'. It is also encouraged that housing development in or at the edge of villages and small towns is of a quality standard in relation to character, scale and layout and related to the character and form of the small town.

9.1.4. Based on the national policy objectives relevant to the proposed development I would consider that the proposed development would fulfil these policy objectives.

9.1.5. The Sustainable Residential Development in Urban Areas Guidelines, 2009, advises that development in smaller towns should be;

- plan led

- contribute to compact urban forms
- higher densities in appropriate locations
- offer alternatives to urban generated housing
- a scale of the development proportion to the pattern and grain of existing development

- 9.1.6. Section 6.3 (b) of the Sustainable Residential Development in Urban Areas Guidelines, 2009, advise that new development should contribute to compact towns and villages and Section 6.4 (i) advises that villages within commuting distance of major cities it is important to channel housing development which is consistent with higher level plans.
- 9.1.7. I would consider that the proposed development is generally consistent with these guidelines.
- 9.1.8. In accordance with the provisions of the South Dublin County Development Plan, 2016 – 2022, the appeal site has 3 no. zoning objectives. The clear majority of the appeal site is zoned ‘New Residential’ where the land-use objective is ‘*to provide for new residential communities in accordance with approved area plans*’. In accordance with Table 11.2 of the County Development Plan the proposed residential development is permitted in principle within this zoning objective.
- 9.1.9. A small strip of the appeal site adjoining the northern boundary is zoned VC ‘Village Centre’ where the land-use objective is ‘*to protect, improve and provide for the future development of village centres*’. In accordance with Table 11.7 of the County Development Plan the proposed development is permitted in principle within this zoning objective.
- 9.1.10. A small strip of the appeal site adjoining the southern boundary is zoned OS ‘Open Space’ where the land use objective is ‘to preserve and provide for open space and recreational amenities’. In accordance with Table 11.15 of the County Development

Plan the proposed development is open for consideration within this zoning objective.

9.1.11. The majority of the proposed development site is zoned for residential development and the proposed two-storey houses are therefore consistent with this zoning objective. It is national guidance in accordance with the 'Sustainable Residential Development in Urban Areas, 2009', to promote and encourage higher residential densities where appropriate, i.e. within close proximity to cities and towns. I would note the location of the appeal site is within a built-up area with established services and amenities with relatively good public transportation connections to the City Centre. Newcastle Village is served by a Dublin Bus commuter service. Hazelhatch train station which includes commuter rail services along the Kildare line to Heuston and Connolly Station is located approximately 3 - 4 km from the appeal site. Hazelhatch train station has a park and ride facility. Newcastle is served with access to the N7 which provides direct access to Luas 'Red Line' and there are several park and ride stations within a short drive of the Newcastle N7 national primary junction. Therefore, the proposed development would be consistent with the recommendations of the Guidelines for Planning Authorities, 'Sustainable Residential Development in Urban Areas', 2009, as these guidelines recommend increasing residential densities in inner suburban / infill sites with good public transportation connections.

9.1.12. Overall and having regard to the location of the proposed development which is a suburban location I would consider that the principle of residential development would be acceptable if the proposal has adequate residential amenity, adequately safeguards the amenities of the adjoining properties, would not result in a traffic hazard, and would be in accordance with the provisions of the South Dublin County Development, 2016 – 2022, and the Newcastle Local Area Plan, 2012.

9.2. **Residential Amenities**

9.2.1. This section of the assessment will consider the residential amenities for future occupants and in doing so I will assess each individual block. As the appellant, has

submitted that their preference is for the Board to consider the original layout I will firstly assess the original layout submitted to the Planning Authority on the 27th June 2016.

9.2.2. Block A

These residential units are two-storey terraced houses. These houses include an optional attic room which would give the houses a generous floor area. I would note that should future occupants prefer not to use the attic as a habitable space then the floor area of the ground and first floor level would be in excess of 108 sq. metres. Table 11.20 of the County Development Plan sets out that the minimum floor area for a 3-bedroom house is 92 sq. metres. The proposed 108 sq. metres is therefore an acceptable floor area for a 3-bedroom house and would provide a good standard of residential amenity for future occupants.

The houses in Block A have no front gardens and their primary private open space provision is their rear gardens. The size of these rear gardens measures approximately 60 sq. metres which is an acceptable private open space provision for a 3-bedroom house. Table 11.20 of the County Development Plan requires a minimum private open space provision of 60 sq. metres for a 3-bedroom house. I would also note that the rear gardens are also accessed by a rear lane which is an added benefit for terraced houses. In addition, four of the eight terraced houses in Block A have balcony provision accessed from the attic room. This is an additional amenity to the rear gardens.

In addition to the above the proposed houses are dual aspect with a north-south orientation and there is car parking provision in the overall development for 88 no. spaces which is almost two spaces per dwelling. Overall I would conclude that the residential amenity for the future occupants of the terraced houses in Block A would be a good standard and in accordance with the national policy guidance and County Development Plan provisions.

9.2.3. Block B

The houses in Block B are two-storey semi-detached units that include an optional ground floor extension to the rear and an optional habitable attic space. The floor area of the units, without the additional ground floor extension and attic space, is approximately 111 sq. metres. This floor area, in my view, would offer a good standard of residential amenity for future occupants. The houses are dual aspect with east facing rear gardens. The rear gardens measure in excess of 82 sq. metres, without the ground floor extension. I would note that some of the rear gardens in Block B are greater than 82 sq. metres. There is also a very small planted area to the front of Block B which would provide privacy for future occupants. The northern most house in each of the two Blocks B have balcony provision and this would provide an additional amenity to future occupants. Overall I would consider that the standard of residential amenity in Block B is acceptable.

9.2.4. Block C

These units are two-storey semi-detached houses. These units are similar to the units in Block B and have a similar floor area, i.e. approximately 111 sq. metres without the optional ground floor extension or attic room. The rear gardens in Block C start at approximately 82 sq. metres and rise to approximately 92 sq. metres. The rear gardens are east facing and the northern most unit in Block C has a balcony accessed from the attic. Overall I would consider that the residential amenities for Block B would be acceptable.

9.2.5. Block D

The units in Block D comprise of 9 two-storey terraced houses. The units are 3-bedroom houses and the floor area includes an optional attic room. The floor area, without the optional attic room, is approximately 108 sq. metres which is an acceptable level of amenity for future occupants.

I would estimate that on average the private rear gardens are approximately 58 sq. metres in size with some of the gardens larger. I would also note that four of the

terraced houses include first floor balcony provision which faces in a northern direction which is an additional amenity for future occupants. Overall I would consider that the private open space provision is acceptable and would provide an acceptable level of residential amenity.

9.2.6. Block E

Block E comprises of 8 two-storey terraced houses and again the floor area, excluding optional ground floor extension and attic room is approximately 108 sq. metres. This is an acceptable floor area for a three-bedroom house. The private open space provision comprises of rear gardens and balconies which again offers an acceptable level of residential amenity. The rear gardens are south facing. Overall the level of residential amenity on offer for the units in Block E would be acceptable.

9.2.7. Block F

Block F comprises of 7 no. two-storey terraced 3-bedroom houses. The floor area of these units is acceptable and ranges from 108 sq. metres without the optional attic room. The rear gardens provide the private open space provision and area measures approximately 60 sq. metres per house. Four of the seven units also include balconies in the optional attic rooms. Overall I would consider that the level of residential amenity on offer is acceptable.

9.2.8. Block G

Block G comprises of two semi-detached dwellings both with a floor area of approximately 111 sq. metres. The submitted floor plans also include an optional ground floor extension to the rear. The rear gardens are generous in size and are both in excess of 100 sq. meters per garden. Overall the residential amenities on offer are acceptable. However, I would be concerned with the proposed attic floor balcony which looks northwards towards the rear garden of a house in Block C to the north. In addition, the front elevations of the houses in Block F would face towards the rear gardens in Block G and may result in overlooking. Therefore I would consider that the proposed development would give rise to overlooking and in

particular from Block F to Block G. I would recommend that this issue could be dealt with by condition, should the Board favour granting permission, by omitting Block G from any permitted development. On the other hand should the Board wish to refuse permission I would consider that this overlooking is an issue, however it may be considered a new issue and on that basis I would not recommend it to the Board as a refusal reason.

9.2.9. Block H

The units in Block H are similar to the units in Block G and provide an acceptable floor area. The private open space provision is generous with sizable rear gardens. Overall the residential amenities on offer are acceptable.

9.3. **Residential Amenities – Revised Site Layout**

- 9.3.1. As a consequence of the additional information request by the local authority to provide housing for elderly persons and provide for a burgage hedge the proposed site layout was revised. The revised site layout includes the provision of a ground floor two-bedroom apartments in Block B and C for elderly persons. The floor area of these units is approximately 88 sq. metres and they include a patio to the rear. Overall the level of residential amenity provided is acceptable. The revised Blocks B and C also provide a duplex 3-bedroom apartment which has a generous floor area.
- 9.3.2. The Sustainable Urban Housing: Design Standards for New Apartments, Dec. 2015, sets out minimum private open space provision for apartments. The guidelines recommend a minimum private open space for a two-bedroom apartment of 7 sq. metres and for a three-bedroom unit is 9 sq. metres. Table 11.21 of the County Development Plan sets out minimum private open space standards for apartments. In relation to two-bedroom units the minimum private open space required is 7 sq. metres and the minimum private open space provision required for a three-bedroom apartment is 9 sq. metres.

9.3.3. I would note that Section 7.2.10 of the County Development Plan 'Private Amenity Space for Apartments' states that semi-private amenity space may be provided in lieu of private space subject to the provision of minimum balcony sizes of 5 sq. metres for each apartment and the semi-private spaces. Overall I would consider that the private open space provision for the apartments is acceptable as there is sufficient space to accommodate the private open space provision and therefore I would not support the Local Authority refusal reason no. 7.

9.4. **Urban Design**

9.4.1. The Newcastle Local Area Plan, 2012, has a Built Form Strategy which directs the layout of development into a network of village streets, blocks and plots that are sensitive to Village's historic setting. Section 5.6.1 of the Local Area Plan outlines specifically some of the design objectives for developments within the Local Area Plan lands and this includes;

- all streets shall benefit from passive surveillance especially at street corners
- all residential development shall have own door access
- the creation of a sense of enclosure.

9.4.2. Section 6.6.4 of the Local Area Plan sets out the Built Form objectives for Burgage South. These objectives include the provision of terraced houses (Objective BS8) and the creation of coherent and open ended streetscape (Objective BS9).

9.4.3. Also in Urban Design terms the Local Area Plan sets out general design and layout parameters for Newcastle Village and its expansion. These include the provision of future public open spaces (Figure 5.1), landscape squares (Figure 5.2) and also a movement framework (Figure 5.6). I would consider that the layout of the proposed development is consistent with the overall layout of these design parameters as set out in the Local Area Plan.

9.4.4. Overall I would consider that the design and layout of the proposed residential development which provides for passive overlooking, creates a sense of enclosure and is primarily comprised of terraced houses at a density that is consistent with the Local Area Plan Objectives is generally acceptable. I would note that the overall indicative layout for Newcastle as illustrated in Figure 6.1 of the Newcastle Local Area Plan and in my view the proposed development would not compromise the overall design layout for Newcastle as illustrated in Figure 6.1.

9.4.5. Finally I would acknowledge the height of the proposed houses which is approximately 10.2 metres above ground level. This building height would be higher than the established building height on the Main Street. However the appeal site is set back from the Main Street and there is an infill site situated between the appeal site and the Main Street which is zoned for Village Centre uses. I note that the additional information submission includes revised building heights of 9 metres above ground level. I would consider that these 9 metre high building heights are acceptable.

9.5. **Public Open Space**

9.5.1. It is notable from the submitted site layout plan that the proposed development is concentrated on a number of streets with two-storey housing units and back to back rear gardens.

9.5.2. The proposed development of 46 no. houses is situated on a site that measures approximately 3.3 acres (ha). The total useable public open space provision in the proposed development is approximately 252 sq. metres which equates to approximately 0.0623 acres. This public open space provision would therefore account for approximately 1.8% of the total site area.

9.5.3. In accordance with the provisions of the County Development Plan, 2016 – 2022, and the Local Area Plan, 2012, the required public open space provision in lands zoned RES-N is 14% of the total site area. This requirement is set out in Section

11.3.1(iii) of the County Development Plan and paragraph 7.2.15 of the Local Area Plan. I would note that Figure 5.1 of the Local Area Plan sets out a Revised Public Open Space Provision and Hierarchy, however there is a distinct difference between public open space provision to serve an individual housing development and the public open space hierarchy illustrated in Figure 5.1.

- 9.5.4. The Sustainable Residential Development in Urban Areas, 2009, offers guidelines for Planning Authorities for public open space provision. In this regard, it is recommended in paragraph 4.20 of these guidelines that in green field sites for which a local area plan is appropriate it is advised that public open space provision should be applied at a minimum of 15% of the total site area. It is further advised that in large infill sites or brown field sites public open space should generally be provided at a minimum of 10% the site area. Therefore, I would consider, having regard to the location of the appeal site, that the Local Authority requirement for public open space provision is reasonable. The proposed development would therefore have a significant shortfall in public open space provision.
- 9.5.5. I would consider that the Board effectively has two options in relation to the inadequate provision of public open space. Firstly, the Board could decide grant permission subject to modification by way of condition and this condition would provide for the public open space provision in lieu of the proposed housing blocks. Secondly the Board could decide to refuse permission outright due to inadequate provision of public open space.
- 9.5.6. The applicant has requested in their appeal submission that Block G could be ceded to public open space provision. This is a viable option as Block G is in close proximity to the proposed public open space provision. However, should Block G be included as public open space I would consider that overall the public open space would still be inadequate in quantitative terms. An additional option open to the Board is to grant permission and to omit, both Block G and Block H, by condition. This modification would allow for a sizable provision of public open space. However, this approach, in my opinion, raises questions in relation to the usability and quality

of the proposed public open space given its peripheral location in relation to the proposed development layout. Furthermore, the publication Development Management, Guidelines for Planning Authorities, 2007, in Section 7.7 advises in relation to the modification of developments by condition. In this regard the Guidelines state that a condition should not involve a complete re-design of a development and in my view a condition to remove both Block G and H would be fundamentally different to the development that originally sought permission.

9.5.7. On one basis of the above I would recommend a refusal to the Board on the grounds of inadequate public open space provision.

9.6. **Landscape**

9.6.1. A key feature of the local landscape in Newcastle is the Burgage Plot Field System. I would note that the Local Area Plan outlines that Newcastle's settlement structure of the Anglo-Norman Manorial system comprised of a series of demesne farms. The Local Area Plan states that this settlement phase is most evident in the form of surviving burgage plots and surrounding open field systems. The existing field system is evident from Figure 4.7 and Figure 5.3 of the Local Area Plan. Policy Objective G17 of the Local Area Plan is relevant and this states that it is an objective to *'protect the historic burgage plot boundary and townland delineations around Newcastle Village including their associated hedgerows and ditches'*.

9.6.2. It is evident from Figure 5.3 of the Local Area Plan that there are three hedgerows that would run through the appeal site and all hedgerows have a north-south orientation. In the original site layout plan submitted to the Planning Authority the middle hedgerow within the appeal site was excluded from the proposed development. However, a revised site layout plan includes the provision of this middle hedgerow and this is illustrated in the submitted drawing no. 3871/16/002.

9.6.3. The western hedgerow along the site boundary is currently removed from the site however the layout of the proposed housing development will have regard to this plot

boundary as it defines the western edge of the proposed housing development. In addition, it is evident from drawing no. 3871/16/002 that the existing hedgerow located along the eastern boundary of the appeal site will be retained in accordance with the established plot boundary. However, to facilitate the future development of lands to the east of the appeal site the line of this hedgerow will be interrupted.

- 9.6.4. Overall I would consider that the revised site layout in accordance with the submitted drawing no. 3871/16/002 would reinstate the historic plot boundaries to a satisfactory level and would be consistent with the policy objectives of the Local Area Plan.

9.7. **Density**

- 9.7.1. The proposed development of 46 no. houses is situated on a site that measures approximately 3.3 acres (1.32 ha) therefore the density of the proposed development is 14 units per acre or 35 units per ha.
- 9.7.2. The County Development Plan guidance in relation to residential density recommends that the number of housing units built on a site should be determined by the Sustainable Residential Development for Planning Authorities, 2009.
- 9.7.3. In relation to the Sustainable Residential Development for Planning Authorities, 2009, I would consider that paragraph 6.9 is most relevant to the proposed development. Paragraph 6.9 recommends that within centrally located sites, densities of 30-40+ dwellings per hectare for mainly residential schemes are appropriate. The residential density of the proposed development would be consistent with the recommendations of the Sustainable Residential Development for Planning Authorities, 2009.
- 9.7.4. In considering the scale of the proposed development, I would note the planning report prepared by the Senior Executive Planner states that the residential density of the proposed development exceeds the recommended level by at least 6 units.

Section 6.6 of the Local Area Plan outlines a design brief for Burgage South and the recommended density is 25-30 dwellings per hectare. However, in my view, there is a distinct difference between the recommended residential densities in the Local Area Plan and those recommended in the Sustainable Residential Development for Planning Authorities, 2009. I would consider that the Local Area Plan refers to gross residential densities which includes distributor roads, primary schools and significant open spaces. Whereas the Appendix A of the Sustainable Residential Development for Planning Authorities, 2009, states all densities quoted in the guidelines are net densities. The proposed residential density of 35 units per hectare is a net density and is consistent with the Sustainable Residential Development for Planning Authorities, 2009, and overall I would consider that the proposed residential densities are acceptable.

9.8. **Community Facilities**

9.8.1. Section 5.5.6 of the Local Area Plan sets out objectives in relation to Community Facilities. Objective LUD12 of the Local Area Plan states that community facilities shall be provided at a rate of 3 sq. m. per 10 dwelling. It is stated that the payment of a development contribution shall be sought as an alternative to piecemeal location of small pockets of floor space on individual sites.

9.8.2. Therefore, I would note from the submitted layout that the proposed development which does not provide for any community facilities can meet Objective LUD12 by making a financial contribution. Therefore, I would consider it reasonable that should the Board favour granting planning permission that a condition is imposed requiring the applicant to make a financial contribution towards the provision of community facilities.

9.9. **Access / Public Lighting**

9.9.1. The applicant, in their appeal submission, includes a solicitor's letter confirming that they have full vehicular and pedestrian access to the proposed development along the distributor road. I would consider that this solicitor's letter is sufficient legal

interest and in my view, would address the local authority's refusal reason no. 8. Therefore, I would not support the Local Authority's refusal reason no. 8.

9.9.2. In relation to public lighting provision I would consider that this can be adequately dealt with by condition, should the Board favour granting permission. Furthermore, I note that the applicant submitted information pertaining to the proposed public lighting in their additional information response.

9.10. **Appropriate Assessment**

9.10.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an outer suburban and fully serviced location, no appropriate assessment issues arise.

10.0 **Recommendation**

10.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be refused for the reason set out below.

11.0 **Reasons and Considerations**

11.1. The proposed development by reason of inadequate provision of public open space would be contrary to the Section 11.3.1 (iii) of the South Dublin County Development Plan, 2016 – 2022, paragraph 7.2.15 of the Newcastle Local Area Plan, 2012, and the DoEHLG Guidelines 'Sustainable Residential Development in Urban Areas, 2009, and would set an undesirable precedent for similar type of development in the area. The proposed development would seriously injure the residential amenity of the area and would, therefore be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector

16th May 2017