

# Comhairle Chontae Atha Cliath Theas

**PR/0695/22**

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

<b>Reg. Reference:</b>	SD21A/0350	<b>Application Date:</b>	21-Dec-2021
<b>Submission Type:</b>	Additional Information	<b>Registration Date:</b>	06-May-2022
<b>Correspondence Name and Address:</b>	Michael Malone, Ceardean Architects 9, Dolphins Barn, Dublin 8		
<b>Proposed Development:</b>	Retention of constructed fence and boundaries and the relocation of existing access gate to revised location and proposed use of space as an allotment.		
<b>Location:</b>	Long Mile Road, Drimnagh, Dublin 12		
<b>Applicant Name:</b>	Noel Whelan		
<b>Application Type:</b>	Permission and Retention		

(CS)

### **Description of Site and Surroundings**

Site Area: 0.0106 Hectares.

#### Site Description:

The subject is an elongated triangular site comprising of a vacant plot of land that narrows to the rear and is located on the northern side of the Long Mile Road in Drimnagh. The surrounding lands comprise a various range of commercial and industrial premises in various use. The subject site is located just inside the South Dublin County Council administrative boundary with Dublin City Council lands. The M50 motorway is located west of the subject site.

An area of astroturf is provided to the front (south) of the site and a gated pedestrian entrance gate c.1.2m side) providing access to the site is located on the public footpath and is set back from the Long Mile Road. To the front of the site there is designated cycle lane, bus lane and eastbound single carriageway. Beyond this is a central median and the west bound carriageway, bus lane and cycle lane are in place. The boundary treatment for the subject site consists of a green weld-mesh/paladin type fencing system that is currently in situ to the south and to the east of the subject site. The existing industrial building to the west forms the western site boundary. It is noted that the inner 1.8m high fence and pedestrian access gate shown on drawings submitted has been removed. It is noted that the pedestrian access gate (1.2m) has now been relocated to a position directly adjacent to the Long Mile Road to the south of the subject site. As a general comment the standard of boundary fencing in the immediate area is not considered of high-quality design, or fitout. From site inspection it was seen that some work has already taken place on the installation of planters.

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### **Proposal:**

The proposed development comprises the following:

- **Retention** of existing constructed fence (green weldmesh/paladin fence) and boundaries outlined in green in planning drawings.
- **Proposed** use of space as a commercial allotment with 4 2m x 2m planters.
- Proposed works measure 0sq.m. as stated.

It is noted that in the Site Block Plan and Contextual Elevation drawing submitted it is **proposed** to construction of a new 1.8 m high boundary wall on the eastern side of the subject site. This is not clear in the description of works.

It is also noted that the applicant has only ticked the box on the site notice for **retention** and it has not been clearly stated that the application is for **retention and permission**.

In addition, from the cover letter submitted it is outlined that the ownership of the subject site is currently being disputed in the courts. This is considered to be a civil matter and is not considered to be a planning matter.

### **Zoning:**

The subject site is subject to zoning objective REGEN - '*To facilitate enterprise and/or residential led regeneration*' in the South Dublin County Development plan 2016-2022.

### **Consultations:**

Roads Department – **Refusal** recommended.

Irish Water – No objections subject to **conditions**.

Surface Water Drainage – No objections subject to **conditions**.

Parks Department – No comments or conditions to add following review.

City Edge Project SDCC – acceptable due to its nature and scale.

### **SEA Sensitivity Screening**

No overlap identified with relevant environmental layers

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

None traced.

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### **Relevant Planning History**

**SD21A/0081:** Retention of constructed fence and boundaries and the relocation of existing access gate.

Decision: **REFUSE PERMISSION FOR RETENTION.**

### **Reasons for Refusal as follows:**

*1. Having regard to the current road geometry where a safe vehicular access at this location on a very busy stretch of road is not possible, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and if granted would be contrary to the proper planning and sustainable development of this area.*

*2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

*3. The as constructed development on site is not clearly shown on the submitted site layout plan, elevational drawings or demonstrated in the statutory site notices submitted with this application. The elevational drawings clearly show a vehicular and pedestrian entrance in the southern boundary. The development in situ on the site is a palisade fence with a pedestrian entrance only. It is unclear what is being proposed and what is being retained.*

*In the absence of accurate and sufficient information, the Planning Authority considers that the applicant has not substantially demonstrated that the proposed development/development to be retained will not adversely impact the road network and traffic safety. The proposed development would therefore be contrary to the proper planning and development of the area.*

*4. There is a 12" asbestos water main south of development. A setback distance of proposed/existing fence to the existing 12" asbestos watermain south of development has not been agreed with Irish Water and therefore could be prejudicial to public health and if granted would be contrary to the proper planning and sustainable development of the area.*

**SD20A/0257:** Retention of erection of fence and gate enclosing lands with vehicular access to the Long Mile Road.

Decision: **Refuse Retention Permission**

### **Reasons for Refusal are as follows:**

*1. Having regard to the current road geometry where a safe vehicular access at this location on a very busy stretch of road is not possible, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and if granted would be contrary to the proper planning and sustainable development of this area.*

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*2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

**SD20A/0166.** Permission for 3 years for a temporary cafe/retail unit on a vacant plot of land on Long Mile Road. The development will consist of one converted bus two storeys in height. Related works include new paving and the construction of a new fence and gates.

Decision: **Refuse Permission**

**Reasons for refusal as follows:**

*1. Having regard to the location, existing pedestrian network, land uses in the area and the characteristics of the area, the proposed development, introducing a café / restaurant, is incompatible with the existing pattern of development in the area and would be contrary to the proper planning and sustainable development of this regeneration area and would generate a traffic hazard on a very busy stretch of road where no safe set down or car parking is available and would endanger pedestrians, cyclists and other road users. Thus, the proposed development is contrary to the proper planning and sustainable development of the area and the South Dublin County Council Development Plan 2016-2022.*

*The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

**S00A/0116 at this site and an adjoining site to the east** – Installation of a 30,000 litre underground diesel fuel storage tank including associated pipework and concrete slab over.

Decision: **Grant Permission**

Adjacent Site

None of relevance

**Relevant Enforcement History**

S8638: Live case remains open.

Lands at 50/51 Robinhood Road, Long Mile Road, Drimnagh.

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### **Pre-Planning Consultation**

None recorded.

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

#### *Section 1.12.0 Employment Lands*

#### *Section 4.3.2 Employment and Residential in Regeneration Zones*

*ET Policy 2 Enterprise and/or Residential Led Development in Regeneration Zones.*

#### *ET2 Objective 1:*

*To promote and support the consolidation or relocation of existing employment uses in Regeneration*

*'REGEN' zones and the upgrade of these areas to create opportunities for regeneration.*

#### *ET2 Objective 2:*

*To support proposals for more intensive compatible enterprise and/or residential led development on*

*lands designated with Zoning Objective 'REGEN', subject to appropriate design safeguards and based on a*

*traditional urban form that adhere to urban design criteria.*

#### *ET2 Objective 3:*

*To support proposals for incubator, starter and/or live work units on lands designated with Zoning Objective 'REGEN' (to facilitate enterprise and/or residential led regeneration).*

#### *Section 4.2.0 Strategic Policy For Employment*

#### *Policy ET1 Economic and Tourism Overarching Policies and Objectives*

*It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality.*

#### *ET3 Objective 5*

*To ensure that all business parks and industrial areas are designed to the highest architectural and landscaping standards and that natural site features, such as watercourses, trees and hedgerows are retained and enhanced as an integral part of the scheme.*

#### *ET3 Objective 6*

*To ensure that business parks and industrial areas are designed to promote walking, cycling and public transport.*

#### *Section 6.4.3 Road and Street Design*

#### *TM Policy 6 Road and Street Design*

#### *Section 7.1.0 Water Supply & Wastewater*

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*Policy IE1 Water & Wastewater*

*Section 7.2.0 Surface Water & Groundwater*

*Policy IE2 Surface Water & Groundwater*

*Section 7.3.0 Flood Risk Management*

*Policy IE3 Flood Risk*

*7.7.0 Environmental Quality*

*Policy IE6 Environmental Quality*

*Section 8.0 Green Infrastructure*

*Policy G5 Sustainable Urban Drainage Systems*

*Section 9.3.1 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

*Section 11.2.4 Regeneration Zone*

*Section 11.2.5 Enterprise and Employment Areas*

*Table 11.18 Key Principles for Development within Enterprise and Employment Zones*

*Section 11.20 Place Making and Urban Design*

*Section 11.2.8 Signage*

*Table 11.19 Signage*

*Section 11.6.1 (i) Flood Risk Assessment*

*Section 11.6.1 (ii) Surface Water*

*Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)*

*Section 11.6.1 (iv) Groundwater*

*Section 11.6.1 (v) Rainwater Harvesting*

*Section 11.6.1 (vi) Water Services*

*Section 11.6.3 Environmental Hazard Management*

*Section 11.6.3 (i) Air Quality*

*Section 11.6.3 (ii) Noise*

*Section 11.6.3 (iii) Lighting*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

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### **Relevant Government Guidelines**

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

*Traffic and Transport Assessment Guidelines, National Roads Authority, (2007)*

*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)*

### **Assessment**

The main issues for assessment are:

- Zoning and Council Policy,
- Visual Impact,
- Proposed Land Use,
- Access & Parking,
- City Edge Project,
- Services & Drainage,
- Overcoming Previous Reasons for Refusal,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR).

### ***Zoning***

The site is zoned 'REGEN'- '*To facilitate enterprise and/or residential led regeneration*'. The development for retention relates to the erecting of fencing and enclosing lands to a site. It is noted that the proposed use of the site as a commercial allotment is open for consideration under the Zoning Objective 'REGEN'.

The retention element of the application relates to a mesh security fence around the site. This feature would generally be acceptable in light industrial areas subject to section 11.2.5 and Table 11.18 of the County Development Plan, visual impact, and adherence to policy and would be acceptable on existing sites under the 'REGEN' land-use zoning objective. In this case however, there are additional considerations to consider and these are explored in the below assessment.

### ***Visual Impact***

The design and finish of the existing green weldmesh/paladin fencing boundary treatment seeking **retention** is generally considered to be appropriate for the enclosure of a site in a commercial or light industrial area. However, it is noted that the application also comprises an element that is seeking **permission**.



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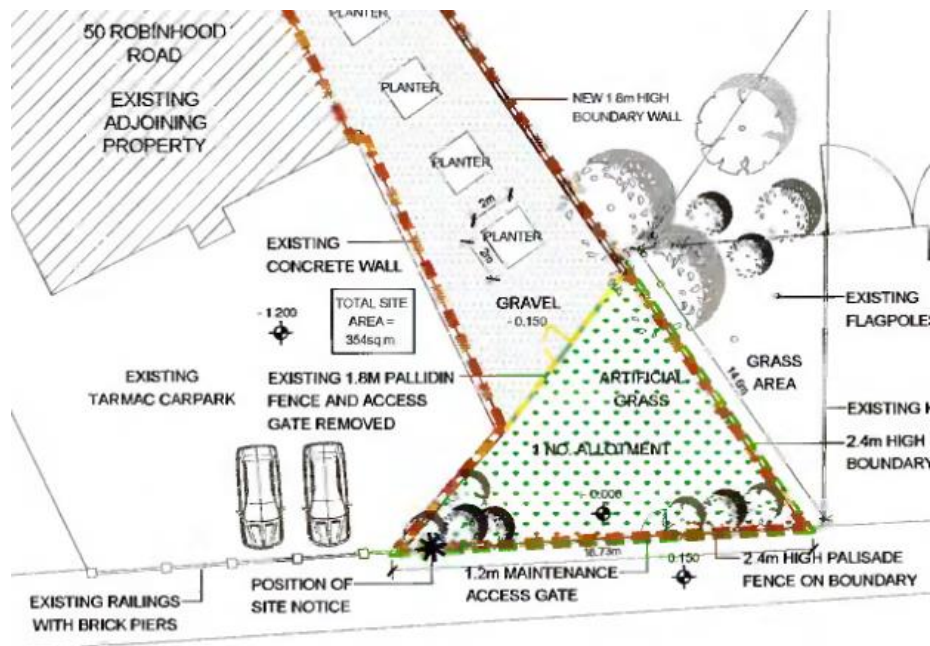
It is also noted that the proposed security fence extends well beyond the established building line and meets the public footpath. In this regard the development would be contrary to section 11.2.5 and Table 11.18 of the County Development Plan, which seeks a landscaped parkland type setting for new development in areas such as this.

The Site Block Plan and Contextual Elevation drawing submitted also **proposes** the construction of a new 1.8 m high boundary wall on the eastern side of the subject site. Please see extract from drawing below. This is not clear in the description of works.

The application **proposes** to use the subject site as a commercial allotment with 4 no. 2m x 2m planters. From site inspection it was seen that some work has already taken place on the installation of planters.

It is noted that the applicant has only ticked the box on the site notice for **retention only** and it has not been clearly stated that the application is for retention and permission.

The applicant should be requested to account for the ongoing unauthorised works by way of additional information. The Planning Authority cannot grant permission for a proposed use while unauthorised works are ongoing during the assessment period.



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### ***Proposed Land Use***

The application **proposes** to use the subject site as a commercial allotment with 4 no. 2m x 2m planters. Under Schedule 5 of the SDCC Development Plan 2016-2022 an allotment is defined as follows as is open for consideration under the 'REGEN' Zoning Objective for the site:

*An area of land comprising not more than 1,000 square meters that is let to or available for letting to and cultivation by one or more than one person for the purposes of the production of vegetables or fruit primarily for consumption by the person or a member of his or her family.*

At c.0.0106 Ha the area of the subject site complies with the threshold above as per the SDCC Development Plan 2016-2022 and would be considered as an 'open for consideration' use for the subject site given its 'REGEN' Zoning Objective.

'Open for consideration' uses are subject to full assessment on their own merits and particularly in relation to their impact on the development of the County at a strategic and a local level. For use as a commercial allotment, access arrangements are relevant and these are assessed below.

### ***Access & Parking***

The Roads Department has issued a report recommending **Refusal**. An extract taken from the Roads report states the following:

#### ***Access & Roads Layout:***

*The location is along the very busy R110 Long Mile Road. There is designated cycle lane, bus lane and single carriageway heading east, a central median and then west bound carriageway, bus lane and cycle lane. The existing site conditions do not provide for safe access to the site from the Long Mile Road. It is not clear what is intended of the 'maintenance gate'. Roads department is concerned with the level of information provided.*

#### ***Car Parking:***

*Roads Department is concerned with the potential for illegal parking near the Long Mile Road gate – blocking footpath, cycle-lane, or bus lane.*

*Roads recommend **refusal** on the grounds that this development has the potential to create a significant traffic hazard along one section of the busy Long Mile Road. The current road geometry means a safe access at this location is not possible.*

From the drawings submitted and from site inspection it is clear that a pedestrian access gate c.1.2m wide directly parallel to the Long Mile Road and on to the public footpath is seeking **retention** permission and the applicant is not seeking permission or retention for a vehicular entrance.

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However following further consultation with the Roads Department it has been communicated that the Roads Department still has serious concerns regarding the potential for illegal/dangerous parking near the pedestrian access gate on the Long Mile Road as the proposal would have the potential for blocking the footpath, cycle-lane, or bus lane. The Roads Department maintain that the pedestrian access gate currently in situ along the Long Mile Road introduces a significant traffic hazard along a section of this busy road. The Roads Department deem this to be a reason for refusal. Furthermore Roads still have concerns that the access gate may be opened in excess of 1.2m and could in turn allow vehicles through.

It is the preference of the Roads Department to avoid any additional access (vehicular or pedestrian) at this site on the Long Mile Road. Therefore, the proposal would be more likely to be acceptable if access could be made available from an adjoining site. However, the history of the site is unclear and there may have been unauthorised sub-division of a larger site at a recent point in time. Application Reg. Ref. S00A/0116 relates to development across this and another site, which were at that time referred to as having one address, "Parkmore Service Station".

The applicant should be invited to submit comprehensive information on the recent history of the site including details as to how long it has been operating as a single site, and show if this situation is authorised. It is considered this may be dealt with by way of **additional information**.

If an unauthorised subdivision of a larger site has occurred, it is considered appropriate to **refuse permission** as per the Roads Department recommendation.

If, alternatively, this is a site that has been separate and independent from adjoining sites and its present configuration is authorised, and it is not possible to access the site from any other boundary or direction except that of the Long Mile Road, it is reasonable that security and access arrangements are regularised and the best possible outcome would be the provision either of an appropriate vehicular or pedestrian access, as per the preference of the SDCC Roads Department.

### ***City Edge Project SDCC***

A report was received from the City Edge Project Team in relation to the application. An extract taken from the report states the following:

*The planning application SD21A/0350 on the Long Mile Road, relates to a site located within the City Edge Project boundary and proposes the retention of constructed fence and boundaries and the relocation of existing access gate to revised location and proposed use of space as an allotment. The site area is relatively small at 0.0106 ha and the development does not consist of any proposed works to create any additional floorspace on the site. The proposal will include commercial use of the land for allotments. The Planning Delivery team considers that the principle of the proposed retention of fences and gates at this location is acceptable due to its*

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*nature and scale and will not significantly compromise the Emerging Preferred Scenario or Strategic Framework of the City Edge Project at this point in time.*

The above report is noted.

### ***Services and Drainage***

Both Irish Water and Surface Water Drainage have recommended no objection subject to **conditions**. An extract taken from the Irish Water report states the following:

*IW Recommendation:*

*No Objection*

*IW Observations:*

#### *1 Water*

*All development shall be carried out in compliance with Irish Water Standards codes and practices.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

#### *2 Foul*

*All development shall be carried out in compliance with Irish Water Standards codes and practices.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: No Objection:*

*1 Within 5 weeks of planning decision submit a drawing showing the distance between foundation boundary of proposed fence and outside diameter of existing 225mm surface water sewer south of same. There shall be a minimum 3m setback distance from foundation of proposed fence to the outside diameter of existing 225mm surface water sewer south of same.*

*Flood Risk No Objection*

*All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

As there are other issues with the proposed development, it is considered appropriate to seek clarity on the separation distance between the proposed development and the nearby surface water pipe by way of additional information.

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### *Overcoming Previous Reasons for Refusal*

The applicant has not demonstrated that the previous reasons for refusal have been overcome. However, it is noted that the applicant is now applying for retention of a pedestrian access and not a vehicular access as previously.

**SD21A/0081:** Retention of constructed fence and boundaries and the relocation of existing access gate.

Decision: **REFUSE PERMISSION FOR RETENTION.**

**Reasons for Refusal as follows:**

*1. Having regard to the current road geometry where a safe vehicular access at this location on a very busy stretch of road is not possible, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and if granted would be contrary to the proper planning and sustainable development of this area.*

*2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

*3. The as constructed development on site is not clearly shown on the submitted site layout plan, elevational drawings or demonstrated in the statutory site notices submitted with this application. The elevational drawings clearly show a vehicular and pedestrian entrance in the southern boundary. The development in situ on the site is a palisade fence with a pedestrian entrance only. It is unclear what is being proposed and what is being retained.*

*In the absence of accurate and sufficient information, the Planning Authority considers that the applicant has not substantially demonstrated that the proposed development/development to be retained will not adversely impact the road network and traffic safety. The proposed development would therefore be contrary to the proper planning and development of the area.*

*4. There is a 12" asbestos water main south of development. A setback distance of proposed/existing fence to the existing 12" asbestos watermain south of development has not been agreed with Irish Water and therefore could be prejudicial to public health and if granted would be contrary to the proper planning and sustainable development of the area.*

**SD20A/0257:** Retention of erection of fence and gate enclosing lands with vehicular access to the Long Mile Road.

Decision: **Refuse Retention Permission**

Reasons for Refusal are as follows:

*1. Having regard to the current road geometry where a safe vehicular access at this location on a very busy stretch of road is not possible, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or*

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*otherwise and if granted would be contrary to the proper planning and sustainable development of this area.*

*2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

**SD20A/0166.** Permission for 3 years for a temporary cafe/retail unit on a vacant plot of land on Long Mile Road. The development will consist of one converted bus two storeys in height. Related works include new paving and the construction of a new fence and gates.

Decision: **Refuse Permission**

**Reasons for refusal as follows:**

*1. Having regard to the location, existing pedestrian network, land uses in the area and the characteristics of the area, the proposed development, introducing a café / restaurant, is incompatible with the existing pattern of development in the area and would be contrary to the proper planning and sustainable development of this regeneration area and would generate a traffic hazard on a very busy stretch of road where no safe set down or car parking is available and would endanger pedestrians, cyclists and other road users. Thus, the proposed development is contrary to the proper planning and sustainable development of the area and the South Dublin County Council Development Plan 2016-2022.*

*The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the amenities of the area and would be contrary to the proper planning and sustainable development of the area.*

Although the applicant has not demonstrated that the previous reasons for refusal have been overcome it is noted that the applicant is now applying for retention of a pedestrian access and not a vehicular access as previously. However, there are still issues that need to be clarified by **additional information** regarding clarity on the planning history of the site and for how long it has been in use as a single site. The issue of whether the site is authorised or unauthorised is also important to clarify.

### ***Screening for Appropriate Assessment (AA)***

No screening exercise has been carried out. The site is not subject to flooding, however, no details for surface water have been provided. Given the location of the site, it is not clear whether the proposal would result in effects on Natura 2000 sites downstream in Dublin Bay. The applicant has not provided a Stage 1 Screening and, if necessary, a Stage 2 Appropriate Assessment and therefore must be refused.

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### ***Screening for Environmental Impact Assessment (EIAR)***

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.

### ***Other considerations***

#### **Development Contributions**

- **Retention** of constructed fence and boundaries and the relocation of existing access gate.
- **Proposed** commercial allotment.
- Assessable area is nil.

#### **SEA Monitoring Information**

- *Building Use Type Proposed*- Allotment
- *Floor Area (sqm)* 0sq.m.
- *Land Type*- Brownfield/Urban Consolidation
- *Site Area (Ha.)* - 0.0106ha

#### **Conclusion**

The proposed development is of serious concern to the Planning Authority. Clarity is required as to the recent history of the site as to if it was ever part of an adjoining site, and if so when it was separated from that site, and if and when this separation was authorised. This is a key determining factor as to whether a new access for the site can be justified. There is also an outstanding concern that the type of gate provided on the site could be adapted for vehicular use. There is also an outstanding concern regarding the proximity of development to a nearby public utility. There remains also an outstanding concern about the visual impact of the proposed fence.

These issues should be addressed by additional information.

#### **Recommendation**

Request Further Information.

#### **Further Information**

- Further Information was requested on 23/02/2022.
- Further Information was received on 06/05/2022.

No submissions/observations on the further information have been made.

The following Further Information was requested.

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### **Item 1: Ongoing Works.**

The applicant is requested to account for the ongoing unauthorised works by way of additional information. The Planning Authority cannot grant permission for a proposed use while unauthorised works are ongoing during the assessment period.

### **Item 2: Clarity on Planning History**

It is the preference of the Roads Department to avoid any additional access (vehicular or pedestrian) at this site on the Long Mile Road. Therefore, the proposal would be more likely to be acceptable if access could be made available from an adjoining site. The history of the site is unclear and there may have been unauthorised sub-division of a larger site at a recent point in time. Application Reg. Ref. S00A/0116 relates to development across this and the site to the east, which were at that time referred to as having one address, 'Parkmore Service Station' (drawings relating to this application are available on the SDCC website).

If an unauthorised subdivision of a larger site has occurred, it is considered appropriate to refuse permission as per the Roads Department recommendation.

If, alternatively, this is a site that has been separate and independent from adjoining sites and its present configuration is authorised, and it is not possible to access the site from any other boundary or direction except that of the Long Mile Road, it is reasonable that security and access arrangements are regularised and the best possible outcome would be the provision either of an appropriate vehicular or pedestrian access, as per the preference of the SDCC Roads Department. The applicant is therefore requested to submit comprehensive information on the recent history of the site including details as to how long it has been operating as a single site, and show if this use situation is authorised. It is considered this may be dealt with by way of additional information.

### **Item 3: Visual Impact**

The proposed security fence extends well beyond the established building line and meets the public footpath, In this regard the development would be contrary to section 11.2.5 and Table 11.18 of the County Development Plan, which seeks a landscaped parkland type setting for new development in areas such as this. The applicant is requested to provide revised plans by which the security fence is set back from the site boundary and encloses the rear of the site. Landscaped boundary elements should be proposed to the front.

### **Item 4: Water**

The applicant is requested to submit an accurate and dimensioned section drawing showing the distance between foundation boundary of proposed fence and outside diameter of existing 225mm surface water sewer south of same. There shall be a minimum 3m setback distance from foundation of proposed fence to the outside diameter of existing 225mm surface water sewer south of same.



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### Further Consultations

Roads Section – **Additional Information** recommended or **conditions** to be attached if granting.

Surface Water Drainage – No objection subject to **conditions**.

Irish Water – No objection subject to **conditions**.

Parks – No observations or comments following review of application.

### Further Submissions/Observations

None received.

### Assessment

#### Item 1: Ongoing Works.

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

It is acknowledged that there is a Relevant Enforcement History on the site

- File No: S8638: Live case remains open, served on Lands at 50/51 Robinhood Road, Long Mile Road, Drimnagh.
- This file relates to a warning notice having been issued, regarding the fact that an application has been submitted on the this site. We would contend that there is no unauthorised works on the site other the than purposed fencing of the site
- No enforcement Notice has ever been issued subsequent to the warning notice .
- The applicant has spoken to Catherine McCarthy from South Dublin County Council Planning Department, Enforcement section, who has confirmed she has inspected this site, and confirms that the warning notice would not hinder the current application, and the substance of this application if approved will allow for the closing of the file.

The Planning Authorities Enforcement Officer has inspected the site and has confirmed verbally that the warning letter issued under ENF. S8638 would not hinder the current planning application from being assessed. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

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

### Item 2: Clarity on Planning History

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

- The applicant has purchased the property in 2018.
- The property has full and unincumbered title for the particular parcel of land, and the folio Map and particulars are herein included, which identify the folio been established in 1982, and proceeding the aforementioned application in 2000.
- Thus, there has not been a subdivision of a larger site to form this parcel of land and the applicant area outlined is an independent site since 1982.
- We have been advised by the planning officer to discuss the development with SDCC Roads Department, and the applicant has spoken to John Joe Hegarty
  - It was discussed and agreed that the access to the allotment is via a pedestrian gateway only.
  - Due to the size of the allotment there is no necessity or feasible to have vehicular access.
  - Details on how the site will be used as an allotment have been requested to be sent to John Joe Hegarty prior submitting the response to further information, which has been issued and these are to be agreed upon

SDCC Roads Section has issued a report recommending **Clarification of Additional Information** while at the same time recommending no objections subject to **conditions**. An extract taken from the Roads report states the following:

### ***Foreword:***

*Though there are references to Roads Depratment preferences in item No.2 of the additional information request, the information requested is not something that Roads Department would necessarily assess (i.e. site history). Nevertheless, Roads Department will offer an opinion on the drawing submitted.*

### ***Additional Information Requested by SDCC:***

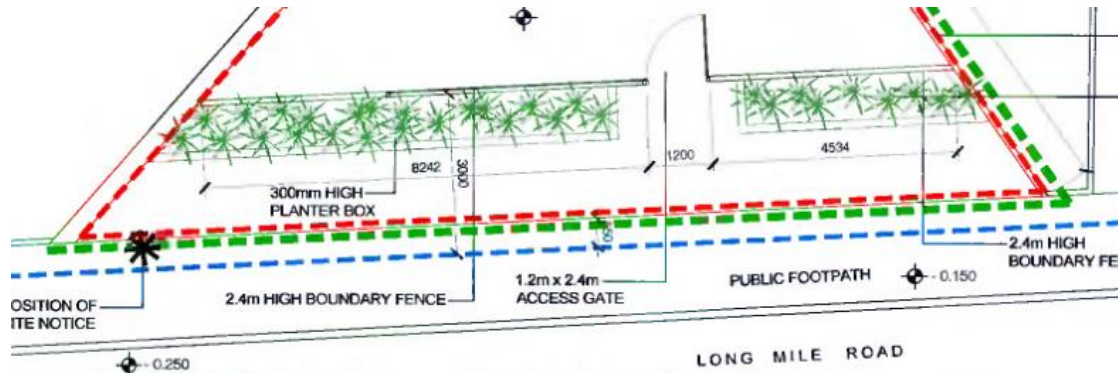
The applicant is therefore requested to submit comprehensive information on the recent history of the site including details as to how long it has been operating as a single site, and show if this use situation is authorised. It is considered this may be dealt with by way of additional information.

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### *Applicant Submitted Response:*



### *Roads Department Assessment:*

Roads are satisfied that a vehicular entrance has not been proposed, as per previous roads report recommendation. The set-back of 3m from the building line is seen as a satisfactory proposal. Note: This set-back could potentially create a space for users of the allotment to set down or park vehicles, and should not become an unintended consequence of setting the building line back. Should this be granted, “No parking” road markings would be required along with double yellow lines to ensure that this area does not become an informal car-park.

### *Clarification of AI:*

1. Applicant to submit a drawing with the following road markings shown between the planter box and the public footpath:
  - a. Double yellow lines
  - b. “No Parking”

### *No Roads objections subject to the following conditions:*

1. The access point shall be limited to a width of maximum 1.2m wide for the proposed development.
1. Kerbing shall not be dished at this location.
2. Any gates shall open inwards and not out over the public domain.

Given that clarity has been received from the Roads Section that access to the allotment would be via a pedestrian gateway only and given that Roads have recommended no objections subject to **conditions** the Planning Authority is satisfied that the applicant has satisfactorily addressed this element of the request for additional information.

In addition to the recommended conditions from Roads it is also considered appropriate that a **condition** be attached that within 6 months or (within as reasonable a time the Planning Authority considers is practicable) of receiving a grant of permission the applicant shall submit a drawing and photographs with the following road signage shown on the private land parcel that

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will have been set back by 3 metres from the road edge between the planter boxes and the public footpath:

- a. "No Parking"

These Road Signs shall be to SDCC Roads Section standards and shall require the approval of the Planning Authority. It is noted that the Roads report recommended Road markings however as the proposal has not indicated that a hard concrete or tarmacadam surface is proposed it would not be practical to apply road markings to the existing surface.



### Item 3: Visual Impact

The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

**See attached amended drawings the security fence is set back from the site boundary and enclosure of the rear of the site. Landscaped boundary elements as per drawing details are proposed to the front of site for the local authorities consideration.**

The revised drawings submitted show the proposed fence will now be setback by 3 metres from its current position where it previously interfaced directly with the public footpath. Planting is proposed along this revised fence boundary to provide for landscaping. However, the Planning Authority has concerns that in providing for the 3 metre setback the applicant is proposing a 2.4m high palisade fence. It is noted that the type of fence that currently interfaces directly with the footpath is a weldmesh type fence. Considering the site is located within the City Edge

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Project area and is zoned 'REGEN' which seeks 'To facilitate enterprise and/or residential-led regeneration' a new visually improved boundary treatment would be required. It is considered this may be addressed by way of a **condition** whereby the applicant is requested to submit revised scaled drawings clearly showing the replacement of this proposed palisade fence with a new visually improved fence which shall take the form and height of what currently exists at the interface with the public footpath i.e. green weld-mesh/paladin type fencing system.

The Planning Authority is satisfied that the applicant has satisfactorily addressed this element of the request for additional information.

### Item 4: Water

The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

The applicant has discussed this request with Brian Harkin of South Dublin County Council Surface Water Drainage Section.

- It is agreed that the fence be offset 3m from the manhole on the footpath which the location of the sewer pipe. Please see amended detail drawings to document this.

On review of the Additional Information submitted a report was issued from both Surface Water Drainage and Irish Water recommending no objections subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: No Objection:*

*Flood Risk No Objection*

*All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

An extract taken from the Irish Water report states the following:

#### *1 Water*

*- All development shall be carried out in compliance with Irish Water Standards codes and practices.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

#### *2 Foul*

*- All development shall be carried out in compliance with Irish Water Standards codes and practices.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

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It is considered appropriate to attach the above **conditions** in the event of a grant of permission. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

### **Other considerations**

#### **Development Contributions**

- **Retention** of constructed fence and boundaries and the relocation of existing access gate.
- **Proposed** commercial allotment.
- Assessable area is nil.

### **SEA Monitoring Information**

- *Building Use Type Proposed*- Allotment
- *Floor Area (sqm)* 0sq.m.
- *Land Type*- Brownfield/Urban Consolidation
- *Site Area (Ha.)* - 0.0106ha

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

Furthermore, having regard to the zoning and the nature of the surrounding area, it is considered that a temporary permission should be granted for the proposed development with duration of 5 years.

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission & Grant Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

## **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

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### SECOND SCHEDULE

#### Conditions and Reasons

1. Development to be in accordance with submitted plans and details.  
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application as amended by Further Information received on 06/05/2022, within 6 months of the grant of permission or within as reasonable a time the Planning Authority considers is practicable, save as may be required by other conditions attached hereto.  
b) this permission is temporary and shall expire 5 years from the date of final grant of permission.  
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained and to keep the development under review.
2. Roads Requirements.
  - (a). Within 6 months of the date of final grant of permission the applicant shall submit a drawing and photographs with the following appropriate road signage shown on the private land parcel that will have been set back by 3 metres from the road edge between the planter boxes and the public footpath:  
- 'No Parking'  
These signs shall be to SDCC Roads Section standards and shall be erected by a competent installer and will require the approval of the Planning Authority.
  - (b). The access point shall be limited to a width of maximum 1.2m wide for the proposed development.
  - (c). Kerbing shall not be dishd at this location.
  - (d). Any gates shall open inwards and not out over the public domain.  
REASON: In the interest of proper planning and sustainable development.
3. Drainage - Irish Water.
  - (a). All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
  - (b). All development shall be carried out in compliance with Irish Water Standards codes and practices.
  - (c). The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
  - (d). There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.  
REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage

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provision.

### **4. Boundary Treatment**

Within 6 months of the date of final grant of permission the applicant shall submit for the written agreement of the Planning Authority revised scaled drawings clearly showing the replacement of this proposed palisade fence that will be offset 3 metres from the southern site boundary with a new visually improved fence which shall take the form and height of what currently exists at the interface with the public footpath i.e. green weld-mesh/paladin type fencing system.

**REASON:** In the interest of proper planning and sustainable development.

**NOTE:** The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

**NOTE:** The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

**NOTE:** A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.




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**REG. REF. SD21A/0350**

**LOCATION: Long Mile Road, Drimnagh, Dublin 12**

  
\_\_\_\_\_  
**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission & Grant Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:**

2/6/22

  
\_\_\_\_\_  
**Eoin Burke, Senior Planner**