

Comhairle Chontae Atha Cliath Theas

PR/1491/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0434 **Application Date:** 03-Oct-2022
Submission Type: New Application **Registration Date:** 03-Oct-2022

Correspondence Name and Address: Foley & Crowley Architects 41, Donnybrook Road,
Donnybrook, Dublin 4

Proposed Development: Provision of a new vehicular entrance accessed from
the public road to serve the existing dwelling. The
construction of a new driveway within the site
boundary and all other associated site and drainage
works including new boundary treatments and
landscaping works.

Location: Greenways, Tubber Lane Road, Lucan, Co. Dublin,
K78 P5V9

Applicant Name: Aidan & Dympna Coss

Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area: Stated as 0.101 Hectares

Site Description:

The application site is located on Tubber Lane, a narrow laneway with seven dwellings on the eastern side and bounded by the Lucan Golf Club. The immediate area is predominately residential in nature with the Weston Airport located within close proximity to the northwest of the subject and the M4 motorway is also located close by.

The subject site contains a one and half storey dormer bungalow with a hip pitched roof and a detached building which appears to be a stores/garage unit. The site is bounded with fencing, trees and hedgerow. It should be noted that there are two other planning applications on this site currently for two further dwellings (SD22A/0375) and (SD22B/0377).

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Proposal

The proposed development consists of:

- Provision of a new vehicular entrance accessed from the public road to serve the existing dwelling.
- The construction of a new driveway within the site boundary and all other associated site and drainage works including new boundary treatments and landscaping works.

Zoning:

The subject site is subject to zoning objective 'RES' - '*To protect and/or improve residential amenity*'.

Consultations:

Irish Water: No report received at the time of writing.

Surface Water Drainage: No report received at the time of writing.

Roads Department: Refusal recommended.

Parks Department: No objections subject to conditions.

SEA Sensitivity Screening

Tubber Lane overlaps with SFRA A and SFRA B.

Submissions/Observations

1 submission was received that can be summarised as follows:

- 3 applications lodged for the same site on the same day by the same applicant
- Same preplanning reference for all three
- 2 agents for the 3 applications but only one is listed on the preplanning meeting
- The three applications are interdependent
- No combined drawing that shows the entire extent of all the development
- Laneway is rural in nature
- No footpaths on either side
- Poor movement/turning for the proposed car spaces
- Issues with access for people with mobility issues
- No reference to where the surface water will drain to
- Removal of mature trees
- Permanent closing of existing entrance
- New access is much closer to a dangerous bend in the road

The above information has been considered throughout this report.

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Recent Relevant Planning History

Subject

90B/374 – **Permission Granted** for extension (part two storey) and alterations to existing dwelling. 81.89sqm.

93A/0873 - **Permission Granted** for change of roof design on existing planning permission for dwelling.

Adjacent

S99A/0707 – **Outline Permission Refused** for 2 Storey dormer bungalow and widening of existing entrance.

Recent Relevant Enforcement History

None.

Pre-Planning Consultation

PP129/21 –

South Dublin County Development Plan 2022-2028

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

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

Policy G11: Overarching

G11 Objective 4:

To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Policy G12: Biodiversity

G12 Objective 4:

To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

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Policy GI3: Sustainable Water Management

GI3 Objective 1:

To ensure that hydromorphological assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of this Development Plan.

GI3 Objective 2:

To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.

Policy GI4: Sustainable Drainage Systems

GI4 Objective 1:

To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Policy GI5: Climate Resilience

Policy QDP1: Successful and Sustainable Neighbourhoods

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP3: Neighbourhood Context

Policy QDP6: Public Realm

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy QDP7: High Quality Design – Street Width and Height

Policy QDP7: High Quality Design – Adaptability and Inclusivity

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

Policy QDP9: High Quality Design - Building Height and Density

Policy QDP10: Mix of Dwelling Types

Policy QDP11: Materials, Colours and Textures

Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy E3: Energy Performance in Existing and New Buildings

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

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Policy IE4: Flood Risk
Policy IE7: Waste Management
Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment
12.3.2 Ecological Protection
12.3.3 Environmental Impact Assessment
12.3.8 Architectural Conservation Areas
12.4.1 Green Infrastructure Definition and Spatial Framework
12.4.2 Green Infrastructure and Development Management
12.4.3 Riparian Corridors
12.5.1 Universal Design
12.5.2 Design Considerations and Statements
12.5.4 Public Realm: (At the Site Level)
12.6.1 Mix of Dwelling Types
12.6.7 Residential Standards
12.6.8 Residential Consolidation
12.6.10 Public Open Space
12.7.1 Bicycle Parking / Storage Standards
12.7.4 Car Parking Standards
12.7.5 Car Parking / Charging for Electric Vehicles (EVs)
12.11.1 Water Management
12.11.3 Waste Management
12.11.4 Environmental Hazard Management

Relevant Government Guidelines

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

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

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

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

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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
- Planning Note
- Residential and Visual Amenity
- Roads
- Parks
- Drainage
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' Residential development is permitted in principle and therefore a development consisting of a new entrance/access route and driveway to an existing dwelling would be acceptable subject to accordance with the relevant provisions of the County Development Plan.

Planning Note

This application is for the proposed development of a new entrance/access route and driveway and therefore, the determination will be for this application in insolation. Notwithstanding this, when determining the outcome of this application, due consideration will be attributed to the fact that there are two other applications for the same overall site under SD22A/0375 and SD22A/0377.

Residential and Visual Amenity

The current layout is such that the applicant has a shared access point off the Tubber Lane with the neighbouring dwelling to the south. The proposed application intends to have a dedicated access point further to the north along Tubber Lane whilst also maintaining the existing access, thereby resulting in an increase of vehicular accesses onto the existing laneway.

It is noted that the existing access vehicular point is intended to be used for a new dwelling house as proposed under SD22A/0377. The proposed development in combination with SD22A/0377 would effectively increase the amount of access points off the laneway.

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Whilst Tubber Lane is effectively closed to through traffic moving which has resulted in lower levels of vehicular movements, however service vehicles, resident and visitors of existing dwellings as well as emergency vehicles etc still frequent the lane and there is pedestrian access across the road used by members of the Lucan Golf Club. The laneway is not suitable for additional access points and therefore should be **refused**.

Roads

The proposed new access is located on a narrow lane with haphazard development along the eastern side. The Roads Department recommend **a refusal of permission** and submitted the following report:

Description:

Provision of a new vehicular entrance accessed from the public road to serve the existing dwelling. The construction of a new driveway within the site boundary and all other associated site and drainage works including new boundary treatments and landscaping works.

Roads Recommend Refusal.

- 1. The proposed development would be located on a substandard rural road network which is narrow in width, lacks pedestrian, public lighting, and drainage facilities, and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard as such, the proposed development would be contrary to the proper planning and sustainable development of the area.*

The report from the Roads Department is noted and it is considered appropriate that the proposed development is **refused permission**.

Parks

The Parks Department have no objection to the development subject to the following conditions:

The following conditions are recommended to be applied:

Conditions

1. Tree Survey

The applicant is requested to submit a comprehensive Tree Report to the SDCC Public Realm Section. This shall comprise of a detailed Tree Survey and Arboricultural Impact Assessment and Tree Protection Plan all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations.

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REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with Policy NCBH11 Objective 1, 2 and 3 of the CDP 2022-2028.

2. Green Infrastructure

The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

- Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.*
- Indicate how the development proposals link to and enhance the wider GI Network of the County.*
- Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site.*
- Proposals for identification and control of invasive species where appropriate, for the site*

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.

3. Arboricultural Method Statement

No development shall take place until a detailed Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS

Reason - To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with relevant policies and objectives of the CDP 2022-2028

Drainage

No report was received from the Irish Water or Water Services Department, but **conditions** should be attached regarding SuDS for the hard surfaced areas in the event of a grant of permission.

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Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a new vehicular entrance, driveway and parking area.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the development, and the distance of the site from nearby sensitive receptors, there is no real 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	
Planning Reference Number	SD22B/0434
Summary of permission granted & relevant notes:	New Vehicular Entrance, driveway and parking area.
Are any exemptions applicable?	Yes
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	0
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	0
Total development contribution due	€0

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Conclusion

A development consisting of a new vehicular entrance, driveway and parking area may be acceptable on the application site subject to compliance with the provisions of the South Dublin County Development Plan 2022 – 2028. Notwithstanding that, the proposed development in combination with the consequent applications on this site (SD22A/0375 and SD22A/0377) would be considered overdevelopment on a substandard laneway and would contribute to the provision of haphazard ribbon development and therefore would not be consistent with sustainable development or proper planning and therefore should be **refused**.

Recommendation

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

SCHEDULE

REASON(S)

1. The proposed development would result in the creation of the new vehicular entrance onto a substandard rural road, which is narrow in width, lacks pedestrian, public lighting, and drainage facilities, and is saturated with one-off houses. Having regard to this the Planning Authority is not satisfied that the proposed development would not give rise to a traffic safety hazard. As such, the proposed development is contrary to the provisions of the South Dublin County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

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REG. REF. SD22B/0434

LOCATION: Greenways, Tubber Lane Road, Lucan, Co. Dublin, K78 P5V9


Colm Harte,
Senior Executive Planner

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

Date: 30/11/22


Gormla O'Corrain, Senior Planner