



An
Bord
Pleanála

Inspector's Report

ABP-305256-19

Development	Demolition of commercial buildings. Raise site level and erect two 4-storey buildings with 25 apartments.
Location	Ely House, 1 Nutgrove Avenue, Dublin D14 YX78
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1079
Applicant(s)	Sam Campbell
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Sam Campbell
Observer(s)	The Castle Golf Club
Date of Site Inspection	2 nd January 2020
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Nutgrove Avenue, Dublin and has a stated area of 0.205 hectares.
- 1.2. The site is rectangular in shape and is long and narrow with two accesses onto Nutgrove Avenue. The site is brownfield and buildings on the site consist of Ely House which dates from the 19th Century and sheds in commercial use. The site is completely surfaced and levels vary throughout the site.
- 1.3. The Castle Golf Club is located on lands to the north of the site. There are mature trees within the lands of the Castle Golf Club adjacent to the northern boundary. Development to the east consists of a large car valeting premises. Existing residential development on the opposite side of Nutgrove Avenue consists of two storey terraced dwellings.

2.0 Proposed Development

2.1. Permission is sought for the following:

- Demolition of existing commercial buildings
- Erection of 2 Blocks of apartments consisting of 6 No. 1 bed, 14 No. 2 bed and 5 No. 3 bed
- Both blocks are part 3 storey, part 4 storey with an overall ridge height of c. 12.3m. The penthouse level is significantly set back from the main part of the building.
- Car parking spaces are provided for 25 cars and bicycle parking is provided for 22 No. bicycles.

The planning application is accompanied by the following:

- Drainage Details
- Landscaping Drawings
- Flood Risk Assessment

Further Information was received by the Planning Authority dated the 3rd day of July 2019 as follows:

- Revised layout which provided for a relocation of the blocks and a reduction in the size of the blocks on the site in order to allow the Council to access the public water sewer that traverses the site. The number of apartments remain the same (25) but 10 No. 1 and 10 No. 2 bed apartments are proposed together with 5 No. 3 bed apartments.
- Increase in area of public open space and car parking spaces
- Revised drainage details
- Revised flood risk assessment
- Drawing SC.AI/ RF/05 indicating sightlines
- Quality Audit
- Drawing SC.AI/ RF/09 indicating front boundary treatment
- Details of public lighting
- Construction Management Plan
- Conservation Assessment for Ely House
- Daylight and Sunlight Report
- Tree Report and Landscaping Details

3.0 Planning Authority Decision

3.1. Decision

Permission refused for one reason as follows:

The proposed development is an area which is at risk of flooding. Issues relating to flood risk have not been addressed successfully within the proposed development, with unacceptable residual flood risks remaining for the residential scheme and its future occupants. The proposed development contravenes Policy CC15, section 5.2.5.2 (Flood Risk) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and section 5.24 and Fig. 5.1 of 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities (2009)'. The proposed

development would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planner's report considered that the principle of development was acceptable. Further Information was requested in relation to drainage, flood risk, traffic safety issues, carparking, public lighting, justification for demolition of Ely House, sunlight and daylight, and landscaping issues. A second report noted that clarification of Further Information could not be requested as the 6 month timeframe had passed and recommended refusal for the application.

3.2.3. Other Technical Reports

Drainage: Required Further Information on matters including flooding and requirement of 6m wayleave so that the Council can access the public sewer. A second report dated the 16th of July 2019 considered that a number of drainage items required clarification and the flood risk had not been properly addressed.

Transportation: Further Information required on matters including car parking and sightlines. A second report dated the 26th of July 2019 considered that car parking was insufficient and a number of items in relation to traffic safety required further clarification.

Housing: No objection subject to the attachment of a condition requiring the developer to enter into an agreement in accordance with Part V of the Planning and Development Act 2000, as amended.

Parks and Landscape: Further Information required in relation to tree protection and landscaping. A second report dated the 26th of July 2019 considered that there were no measures proposed to reduce the impact on trees on the adjoining site and the landscaping had not been carried out by a qualified landscape architect and could not therefore be accepted by the Parks Section.

Conservation: Report considers that existing building does contribute to the character and appearance of the streetscape and is worthy of retention. Further

Information required in relation to Architectural Heritage Assessment. Second report considered that the structure is worthy of retention and could be adapted/ extended while also allowing for new development around it.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to conditions.

An Taisce: Concern expressed in relation to demolition of Ely House which is a building of heritage.

3.4. **Third Party Observations**

- 3.4.1. One observation was received by the Planning Authority. The issues raised are similar to those set out in the observation submitted to An Bord Pleanála.

4.0 **Planning History**

On site

PA Ref. D12/0494

Permission granted for a shed incorporating a garage workshop to replace an unauthorised adjacent shed.

PA Ref. D12A/0307

Permission for retention refused for a shed unit containing a garage workshop for reasons relating to visual amenity.

On adjacent site to the east

PA Ref. D18A/0268

Permission granted for the demolition of existing sheds and erection of a new single storey workshop building.

PA Ref. D17A/0816

Permission granted for a new 5.27m wide vehicular access with sliding gate and new drainage grills for car valeting and free standing fabric canopy.

PA Ref. D16A/0708

Permission refused for the construction of 5 No. 3 storey dwellings for reasons relating to non-compliance with development plan standards and impact on residential amenities.

On opposite side of Nutgrove Avenue within South Dublin Co. Co. Area

SD18A/0421/ ABP 305455/19

Permission refused by PA for 5 No. reasons for 24 No. apartments in two blocks. The reasons for refusal related to impact on visual and residential amenities, impact on trees, poor quality of open space, contravention of South Dublin Co. Co. Building Height Strategy, public health and pedestrian and cycle safety. This application is currently on appeal to ABP.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- 5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- 5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of

tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Urban Development and Building Heights’ Guidelines for Planning Authorities
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

5.3. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning: Objective A: ‘To protect or improve residential amenity’.

Immediately to the north, Castle Golf Course lands are zoned as Objective F: ‘To preserve and provide for open space with ancillary active recreational amenities.’

Chapter 8.2 – Development Management

Section 8.2.3 – refers to Residential Development

Section 8.3.2 Transitional Zonal Areas

Policy AR5 Buildings of Heritage Interest

Section 5.2.5 Flood Risk

Policy CC15 Flood Risk Management

Appendix 13 Strategic Flood Risk Assessment

5.4. Natural Heritage Designations

- 5.4.1. The site is located c. 7km to the west of South Dublin Bay SAC Site Code 000210 and South Dublin Bay and River Tolka Estuary SPA 004024.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- Flood risk assessment attached to appeal which addresses the areas of concern.
- An advice note attached to the decision refers non specifically to other issues which might need refinement. With regard to such issues which have not themselves led to reasons for refusal, we respectfully suggest to the Board that these could be dealt with by conditions annexed to a grant of permission.

6.2. Planning Authority Response

- The applicant is proposing to change the use of this site and develop the site further by changing it from a commercial development and turning it into habitable accommodation. It is the opinion of Municipal Services that this proposal would be considered a 'Highly Vulnerable Development', and a Class 2 Infill Development due to the nature of expansion outside the footprint of the existing buildings.
- Development is not permitted within Flood Zone A or B for highly vulnerable uses. This proposal would generate an un-justifiable level of risk through introducing additional people into the floodplain.

- There is a Flood Alleviation Scheme for the Whitechurch Stream being progressed by South Dublin County Council and the OPW. The results of this study would provide more detailed analysis of flooding in this area. The Flood Risk Assessment submitted with the appeal did not reference the results of the study for this Flood Alleviation Scheme and as such is considered to be incomplete.
- This proposal has not shown itself to meet the requirements of The Planning System and Flood Risk Management Guideline or Appendix 13 (Strategic Flood Risk Assessment) of the County Development Plan 2016-2022. The proposal is a 'Class 2 Infill Development' and 'Highly Vulnerable Development' in an area of 'existing low intensity development' which lies within Flood Zone A. Unless the applicant can demonstrate through a SSFRA that the site is not at risk of flooding and any residual risk is mitigated, and subsequently adequately satisfies the requirements of Appendix 13 and The Planning System and Flood Risk Management Guidelines, this development is considered not to be in accordance with the 2016-2022 County Development Plan and therefore the application should be refused.
- However, if ABP chooses to grant permission, a number of conditions are attached to the report.

6.3. Observations

The observation submitted can be summarised as follows:

- Concerns regarding flooding and past history of flooding.
- Concerns regarding poor residential amenity of future occupants.
- Inadequate car parking.
- Overdevelopment of site.
- The Board should also refuse permission for the issues that were raised in the transport and parks and landscape reports.

6.4. Further Responses

6.4.1. A further response was submitted on behalf of the applicants in relation to flood risk.

The main points raised are as follows:

- The history of flood events in the area records flooding on the 24th of October 2011 and November 14th 2014.
- The source of flooding was the Little Dargle Stream. In 2015 flood defence works were carried out and there has been no flooding since.
- South Dublin County Council in partnership with the Office of Public Works are carrying out an important new flood alleviation scheme to manage potential flooding from the Whitechurch Stream.
- An update on October the 8th 2019 indicated that the Ground Investigation Survey would commence on October 14th 2019.
- The scheme has been reviewed with the Project Resident Engineer. The objective is to have a planning application submitted by the end of 2019 and the impression is the project completion will extend into late 2021.
- The design objective of the scheme is 'to contain the flow in the channel' for a 100 year event.
- There are new maps in draft form for the Whitechurch/ Owendoher Streams catchment area and these will be subject to further review to take account of the effects of the Flood Alleviation Scheme now in progress (at design stage).
- Significant changes will be reflected in the Flood Mapping attached to the next Development Plan for the period 2021-27.

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Density
- Flood Risk

- Traffic Impacts and Car Parking
- Impact on Architectural Heritage
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Density

- 7.2.1. This is a serviced zoned site in a designated development area. A total of 25 No. units are sought on a site of 0.205 hectares which equates to a density of 121.9 units per hectare.
- 7.2.2. I note that the apartments comply with the apartment design standards set out in the 'Sustainable Urban Housing: Design Standards for New Apartment Planning Guidelines.'
- 7.2.3. The site is located on a quality bus corridor. The proposal seeks to widen the housing mix in the area and would improve the extent to which it meets the various housing needs of the community.
- 7.2.4. There are some restrictions on the site for a density of this level including the 450mm public water sewer that traverses the site and the requirement of a 6m wide wayleave for maintenance purposes by the Council. Significant changes were made to the site layout submitted in response to the Further Information Request to accommodate this. In addition, the site is somewhat restricted in width and is a long and narrow rectangular shape.
- 7.2.5. Nevertheless, having regard to the proximity to the QBC, I am of the view that the density proposed is considered to be appropriate and in compliance with section 28 ministerial guidelines.

7.3. Flood Risk

- 7.3.1. The Planning Authority refused permission for one reason only which related to flood risk. It was considered by the Planning Authority that issues relating to flood risk had not been addressed successfully within the proposed development, with

unacceptable flood risks remaining for the residential scheme and its future occupants.

- 7.3.2. In order to address this issue, the applicant submitted a Flood Risk Assessment with the appeal response.
- 7.3.3. The Flood Risk Assessment acknowledged that the site is located in Flood Zone Type A and therefore has a moderate to high probability of experiencing a flood event. From the initial flood risk assessment it was found that the predicted floodwater level on the site for a 100 year storm event is approximately 48.5m above sea level. According to the GDSDS Guidelines it is recommended to have a minimum freeboard of +500mm. In order to mitigate the risk of the predicted fluvial event, it is proposed that the site is elevated by 350mm above the existing footpath level. The flood risk assessment originally submitted with the application noted that flooding on Nutgrove Avenue had been recorded to reach depths of 300mm above the carriageway level. The response to the F.I. Request indicated an increase in the finished floor level to 350mm above the carriageway at this location.
- 7.3.4. The existing development is primarily a brown field site. It is stated that the landowner also owns the adjoining site which is currently a large commercial car valeting area and has plans to develop this site also. The existing site is covered by an impermeable surface and surface water discharges directly to the mains. Table A sets out SuDs measures incorporated into the design and the impact of those on limiting runoff from the development.
- 7.3.5. Section 4.3 sets out the justification test. It is considered that the design of the proposed development eliminates flood risks and therefore complies with Section 1 of the Justification Test. It is stated that the impact of new development on flood risk will be improved from the existing situation, and that residual risk is managed by the setting of an appropriate finished floor level and ground levels in the development, the limitation of surface water runoff to mains drainage and the implementation of the Emergency Plan.
- 7.3.6. The Planning Authority submitted a response to the appeal which considered that the proposal would generate an unjustifiable level of risk through introducing additional people into the floodplain. It noted that there had been 'little direct engagement with Drainage Planning regarding Flood Risk Assessment for this site

prior to submission.’ It was also noted that there is a Flood Alleviation Scheme for the Whitechurch Stream being processed by South Dublin County Council and the OPW and that these results would provide more detailed analysis of flooding in the area. It considered that ‘any SSFRA submitted by the applicant that does not reference the results of the study for this Flood Alleviation Scheme should be considered incomplete.’

7.3.7. In terms of the justification test, the Drainage Section considered that the development would be a ‘Class 2 Infill Development.’ The applicant is proposing to change the use of the site and develop it further by changing it from a commercial development to a habitable development. The existing commercial development would be considered to be ‘less vulnerable’ whereas the residential development proposed would be considered to be ‘highly vulnerable’ in accordance with Section 4.7.1 of Appendix 13. The response to the appeal concluded that the proposal has not shown itself to meet the requirements of The Planning System and Flood Risk Management Guidelines or Appendix 13 of the Development Plan (Strategic Flood Risk Assessment). Refusal was recommended unless the applicant can demonstrate that the site is not at risk of flooding and any residual risk is mitigated and subsequently adequately satisfies the requirements of Appendix 13 and the Planning System and Flood Risk Management Guidelines. However, if the Board is minded to grant permission, a number of conditions are suggested.

7.3.8. A further response was submitted to An Bord Pleanála on behalf of the applicant which noted two flood events in 2011 and 2014. The source of the flooding on both occasions was the Little Dargle Stream which overflowed in nearby Loreto Park. Since then, flood defence works were undertaken in 2015 and no flooding has occurred in the area. It was also noted that at present South Dublin County Council in partnership with the Office of Public Works are carrying out an important new flood alleviation scheme to manage potential flooding from the Whitechurch Stream. An update on the 8th of October 2019 indicated that the ground investigation survey would commence on October 14th with a topographic survey already in progress. On that basis it is assumed that study results and detailed design for the preferred solution will not be available until early to mid 2020. It is noted that the completion of the FAS for the Whitechurch/ Owendoher Streams will further change Flood Risk. It is expected that site specific flood risk assessments in the near future will reveal

more locally appropriate information which will show a reduced level of risk from what is in the Flood Zone Maps in the current Development Plan and a detailed design of SuDS measures for the proposed development will be finalised based on the latest information.

- 7.3.9. I am satisfied that the proposed development comes within the definition of Class 2-works in relation to infill development which may include development of previously unused (greenfield) land, or building within the curtilage of an existing development but outside the footprint of the building. The existing commercial development would be considered to be less vulnerable, whereas the residential use proposed is considered to be highly vulnerable. Whilst I acknowledge that the proposed flood alleviation measures together with raising the site would significantly improve the existing situation, this proposal is very different from the existing situation in terms of the introduction of additional people into the floodplain. I acknowledge that the information submitted on behalf of the applicant received by the Board dated the 24th day of October 2019 provides comprehensive information in relation to both the flood defence works in 2015 and the investigations underway at present by South Dublin County Council and the Office of Public Works to manage potential flooding from the Whitechurch Stream. The completion of these works is stated to be towards the end of 2021.
- 7.3.10. I am not satisfied that the applicant has taken full cognisance of the flood risks involved in the development of the site. It is clear that there is work ongoing in the area at present but full results and a detailed design are not yet available. In the absence of a detailed design and a realistic completion date confirmed by the authority that propose to carry out the works, together with a revised Site Specific Flood Risk Assessment based on this information, I concur with the Drainage Section of the Council that the application should be refused. The response submitted to the Board dated the 24th day of October 2019 notes that *'the detailed design of SuDS measures for the proposed development should be finalised based on the latest Flood Risk information and done, together with review and assessment of any other issues or areas of concern (e.g. residual risk and flood risk mitigation measures) in close consultation with the Drainage Department in the County Council.'* I concur with this statement, however, it is my view that this matter cannot

be conditioned and in the absence of this information, flood risk assessment has not been satisfactorily addressed by the applicant.

7.4. Traffic Impacts and Car Parking

- 7.4.1. Regarding matters of traffic safety and car parking, I note that a report from the Transportation Section dated the 26th day of July required 5 No. items of clarification.
- 7.4.2. The appeal response states that ‘with regard to such issues which have not themselves led to reasons for refusal, we respectfully suggest to the Board that these could be dealt with by conditions annexed to a grant of permission.’
- 7.4.3. The matters of most concern in my view relate to adequacy of car parking and proposals for refuse collection and emergency vehicles.
- 7.4.4. Nutgrove Avenue is a heavily trafficked Regional Road and a key arterial route into the city centre. There is a quality bus corridor adjacent to the site. I note in response to item 19 of the Further Information Response, it is not proposed to provide an offset turning area for refuse lorries or emergency vehicles. Instead it is proposed that the bin stores will be located adjacent to the gates. The report by the Transportation Section required the applicant to submit a detailed site layout drawing showing the access arrangements and vehicle manoeuvres required for refuse collection, emergency vehicles and delivery vehicles etc. using Computer Aided Design Software. This information was not sought from the applicant during the course of the application as the application was refused by the Planning Authority.
- 7.4.5. In the absence of such information, I am not satisfied that the applicant has demonstrated that refuse collection and emergency vehicles or delivery vehicles can be catered for within the development.
- 7.4.6. In terms of car parking, the requirement for the original scheme was 37 No. spaces. Table 8.2.3 of the Development Plan sets out the requirements of 1 No. space per 1 bed unit, 1.5 spaces per 2 bed unit and 2 spaces per 3 bed unit (depending on design and location). The revised scheme submitted to the Planning Authority dated the 3rd day of July 2019 provided for a different configuration which included an increase in the number of 1 bed units and a decrease in the number of 2 bed units. The calculation for the car parking requirement has now reduced to 35 No. spaces.

The revised layout submitted to the Planning Authority dated the 3rd day of July 2019 provided for 32 No. spaces. The applicant suggests that the proposed allocation is more than adequate and the public car park diagonally across from the street could be used to cater for any occasional overflow use.

- 7.4.7. Section 4.19 of 'Sustainable Urban Housing: Design Standards for New Apartment' states 'In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.'
- 7.4.8. I would have concerns in relation to the relaxation of standards on this site. Whilst, I acknowledge that it is served by a QBC, Nutgrove Avenue is very busy and it would be difficult to find car parking spaces in the surrounding area. I note that the Quality Audit submitted in the Further Information Response indicates the closest LUAS stops in Figure 39 and states that both the LUAS and DART stops are some distance away. It also states that there are limited park and ride facilities in the area and there is significant room for improvement in multi-modal site accessibility in respect of rail usage, with bus linkages generally good. I would concur with the Quality Audit in this respect. The car park suggested by the applicant for overflow parking is across a main road and may be difficult to access for visitors or for occasional overflow parking particularly if visitors were not aware of it or were travelling in the wrong direction. In addition, it appeared to be a busy car park on the day of inspection and there may not be extra capacity available at this location.
- 7.4.9. As such, I am not satisfied that the applicant has demonstrated that they can provide for the required car parking within the site or that adequate refuse collection or emergency/ delivery vehicles can be catered for on site. The proposed development would be contrary to the car parking standards set out in the development plan and would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

7.5. **Impact on Architectural Heritage**

- 7.6. The site is located in an area which was once part of the extensive demesne associated with Rathfarnham Castle. A Conservation Report was submitted as part

of the Further Information Response and it is not clear from it when Ely House was built. However, it was originally built set back from the road with two significant curved walls flanking the entrance. When Nutgrove Avenue was upgraded and widened in the 1960's, the sweeping wing walls were removed and a concrete block wall was built to the front of Ely House. The building has been denuded of its historical fixtures and fittings over the years and there have been extensive internal and external alterations. For the last number of decades, separate areas of the building have been used by a variety of commercial tenants who have each carried out individual fit-outs to the respective spaces. The report includes the floor plan of each floor together with a large number of photographs of the building. It concludes that the building has a modest/ limited visual amenity value and the building does not retain a significant level of character.

- 7.7. Having reviewed the 'Conservation Report' the Conservation Officer of the Council was of the view that the existing structure does contribute to the character and appearance of the streetscape and was worthy of retention. It was considered that development plan policy AR5 was of relevance and the building could be adapted/extended while also allowing for new residential development around it.
- 7.8. I consider that it is clear from the Conservation Report that the original building has been denuded of much of the original fabric and character over the years. In addition, the curtilage of the site has changed significantly with the widening of Nutgrove Avenue and the removal of the original sweeping wing walls and their replacement with a concrete boundary wall in the 1960's, together with the erection of a large number of sheds on the site and the surfacing of all of the site. The concrete boundary wall was removed in the early 1980's and replaced with a section of railings on a granite plinth which were salvaged from a demolished property in Rathmines.
- 7.8.1. I consider that there is little remaining historic relevance that would warrant the restoration and adaptive re-use of Ely House. As such, I do not consider that the proposed development would have a negative impact on the architectural significance or integrity of the area.

7.9. Impact on Residential Amenity

- 7.9.1. The lands in question are zoned 'Objective A' – To protect and improve residential amenity. The proposal is to demolish existing buildings and provide for 25 No. apartments.
- 7.9.2. A number of concerns are raised with regard to impact on residential amenity including overdevelopment of the site, absence of adequate car parking for future residents and visitors, and a poor quality of amenity due to inadequate daylight and sunlight.
- 7.9.3. I am satisfied that the density proposed is acceptable at this location, however in my view car parking is inadequate and I have previously addressed this matter.
- 7.9.4. A Sunlight, Daylight, and Shadow Assessment was submitted by the applicant on the 3rd day of July 2019 based on the revised drawings. The report concluded that generally the application complies with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011) and BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting. It made a number of design recommendations such as placing built in wardrobes opposite to a number of windows and the addition of a north facing window to one apartment (6b).
- 7.9.5. I note that the observation from the Castle Golf Club expressed concern that the development was too close to the rear boundary. In addition, concern was expressed that they may come under pressure in future to cut down the mature trees along this boundary within their lands from future residents in order to provide more light to the apartments.
- 7.9.6. I consider that this issue has been comprehensively addressed in the Sunlight, Daylight and Shadow Assessment Study. I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable.

7.10. Appropriate Assessment

- 7.10.1. Having regard to the nature and scale of the proposed development, a brownfield site in a serviced urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission is refused for the following reasons:

9.0 Reasons and Considerations

1. The Board is not satisfied that the developer has demonstrated that they can provide adequate arrangements for refuse collection and emergency vehicles and adequate car parking in line with Development Plan provisions as set out in Table 8.2.3 of the current plan. The proposed development would therefore be contrary to the car parking standards as set out in the Development Plan, would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site in Flood Zone A in an area which is at risk of flooding, the Board are not satisfied on the basis of information submitted with the planning application and the response to the appeal that issues relating to flood risk have been satisfactorily addressed. It is considered that this proposal would generate an unjustifiable level of risk through the introduction of additional people into the floodplain. The proposal would therefore be contrary to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of Environment, Heritage and Local Government, 2009, Appendix 13 Strategic Flood Risk Management, and Policy CC15 of the Dun Laoghaire Rathdown County Development Plan. The proposed development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector
5th March 2020