

Board Order 06D.TA0002

Planning and Development Acts 2000 to 2017 Planning Authority: Dún Laoghaire-Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, including an environmental impact assessment report, lodged with An Bord Pleanála on the 22nd day of September 2017 by Viscount Securities care of John Spain Associates, 39 Fitzwilliam Place, Dublin.

Proposed Development: A ten-year permission for a strategic housing development at Clay Farm, Ballyogan Road, Co. Dublin. The application site is located to the south of Clay Farm Phase 1 (currently under construction), to the north-west of Stepaside Golf Course, to the north and north-east of Cruagh Wood and Stepaside Park and to the east of two residential dwellings, including Clay Farm House.

The development will consist of a residential development of 927 number residential units, a neighbourhood centre containing a childcare facility with a gross floor area of 607 square metres and 2 number retail units each with a gross floor area of 85 square metres, and includes the associated section of the Clay Farm Loop Road from the Bridge Road link with Phase 1 to the south-western site boundary, associated internal roads, pedestrian and cycle paths, open space, and all associated site and infrastructural works. The application site has an overall area of 20.5 hectares.

The residential component of the development consists of 365 number houses and 562 number apartments, to be provided as follows:

- 9 number three-bed two storey terraced houses with a gross floor area of 125.5 square metres (Type B1),
- 33 number three-bed two storey terraced houses with a gross floor area of 113.8 square metres (Type B2),
- 2 number three-bed two storey terraced houses with a gross floor area of 127.3 square metres (Type B3),
- 201 number four-bed three storey terraced houses with a gross floor area of 169.5 square metres (Type C1),
- 76 number three-bed two storey terraced houses with a gross floor area of 112 square metres (Type C2),
- 3 number four-bed three storey terraced houses with a gross floor area of 139 square metres (Type C3),
- 34 number four-bed three storey terraced houses with a gross floor area of 171.8 square metres (Type D1),
- 7 number three-bed two storey terraced houses with a gross floor area of 121.9 square metres (Type D2) ,
- 16 number apartment blocks (W01-07 and E01-09) ranging from three to six storeys in height, over under-croft / basement car parking, and which contain a total of 113 number one-bed apartments with a gross floor area of circa 49 square metres to 51 square metres and 383 number two-bed apartments with a gross floor area of circa 82 square metres to 90 square metres. The apartment blocks also contain 48 number three-bed duplex/own door apartment units with a gross floor area of circa 110 square metres to 114 square metres gross floor area,
- 18 number three-bed duplex/own door apartment units are located at the neighbourhood centre with a gross floor area of 110 square metres to 115 square metres in a three to four storey building (which also contains the childcare facility and retail units at ground floor level).

Bin and cycle storage areas are proposed within the apartment blocks and single and double bin stores are proposed for the houses. Three number electricity substations are proposed for the site. A total of 1,478 number car parking spaces including 730 number spaces for the houses, 732 number spaces for the apartment blocks and 16 number spaces for the childcare facility and retail units at the neighbourhood centre are proposed. The associated site and infrastructural works include foul and surface water drainage, attenuation tanks, open space including playgrounds, a multi-use games area (MUGA) and exercise units, cycle spaces, landscaping, boundary walls and fences, internal roads, cycle paths and footpaths. The application site includes the possible linear earthworks (DU026-087), a Recorded Monument, located along the northern site boundary.

Decision

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

The Board is not satisfied that the applicant has provided adequate information in relation to proposals for storm water management in an area which is at risk of flooding and had serious concerns in relation to:

- the effectiveness of the proposed attenuation structures, given the absence of site investigation data that could confirm appropriate ground conditions,
- the effectiveness of the proposed long-term storm water storage area, given
 - (i) its proposed location directly above a proposed attenuation structure, and
 - (ii) failure to demonstrate effective infiltration capacity at this location,
- the overall calculation of surface water run-off rates, necessary attenuation capacity and the overall design of the attenuation system,
- an inadequate justification presented for the choice of "soil type 3" for the calculation of allowable greenfield run-off rates, thereby allowing a high overall discharge rate for the development site to be used.

Furthermore, the Board is not satisfied that the storm water outflow arising from the development can be limited such that it would be in accordance with the requirements of Greater Dublin Regional Code of Practice for Drainage Work – Version Draft 6.0, or that the site, when developed, would not result in flooding in the Ballyogan stream and related catchment downstream of the development site. The proposed development would, therefore, lead to a risk of flooding of lands outside the subject site and be contrary to the proper planning and sustainable development of the area.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of

2018