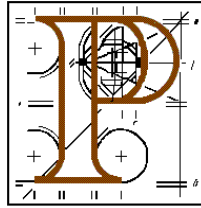


An Bord Pleanála



Inspector's Report

Appeal Reference No. **PL29N.245730**

Development: Demolition of the existing meeting room and construction of a four-storey residential development with 40 apartments at The Bretherens Meeting Room, The Glen, Waterville Road, Raheny, Dublin 5.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 2620/15

Applicant: The Churchtown Trust

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): John Linehan
 Maywood Lawn Action Group

Type of Appeal: 3rd Party

Observers: Sandra Graham and Kevin Moore
 Sean Haughey
 Larry and Deirdre McMahon

Aaron and Neasa Copeland and
Others

Date of Site Inspection: 16/02/2016

Inspector: L. Dockery

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of 0.3464 hectares, is accessed from The Village residential development, off Watermill Road, Raheny, Dublin 5. The site is currently occupied by a two-storey, pitched roof meeting hall, located at the western end of the site with tarmaced car parking occupying much of the remainder of the site. The Santry River is located to below the site to its west and is culverted at this point. The site is well screened and a high palisade-type locked gate forms the site entrance.
- 1.2 The site has a general north-west/south-west orientation and is roughly rectangular in shape. It is bound by two-storey residential properties of Maywood Lawn to the north and The Village residential properties to the east. An apartment development is located to the south-west of the site, at a significant level below. This is a five-storey development.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the submitted public notices, comprises the following:
- Demolition of existing Meeting Room
 - Construction of a four storey (including recessed top floor) residential development with 40 apartments
 - Ramp accessed basement with parking for 68 cars, storage sheds, waste recycling and plant room.
- 2.2 The breakdown of units comprises
- 8 x one bed units
 - 25 x two-bed units
 - 7 x three bed units

All apartments have south or west facing balconies/terraces

2.3 Attached to the file are the following documents:

- Planning Report
- Engineering Planning Report- Traffic
- Engineering Planning Report- Water & Drainage
- Engineering Planning Report- Flood Study
- Engineering Planning Report- Linkages to Existing Public Footpaths
- Engineering Planning Report- Linkages to Proposed Cycling Infrastructure
- Landscape Masterplan
- Tree Constraints Plan
- Preliminary Tree Survey and Report
- Daylight/Sunlight Analysis Study

3.0 PLANNING AUTHORITY'S DECISION

3.1 Permission GRANTED, subject to 22 conditions.

Condition No. 3 relates to the omission of Apartment 33 on the 3rd floor and Apartment 21 on the 2nd floor, with any subsequent roof area not to be used as accessible roof garden

Condition No. 11 deals with drainage while Condition No. 12 deals with landscaping

3.2 Further Information was requested by the planning authority in relation to 10 points namely relating to minimisation of overlooking of residential areas outside the site; shadow assessments; daylight impact study; average daylight factors and uniformity of same; clarification on hall sizes and overall floor areas; integration of proposed pedestrian access into local footpath network' clarification on landscaping proposals; clarification in proposed river access; flood risk impact assessment required and updating of all surveys to indicate all adjoining existing development.

4.0 TECHNICAL REPORTS

Planner's Report

The Planner's Report reflects the decision of the Planning Authority

Roads, Streets and Traffic Department

The proposed development is acceptable; however additional information is requested in relation to the pedestrian link to the site.

No further report received

Engineering Department- Drainage Division

Initial report, dated 13/05/2015 requested further information due to lack of adequate drainage information.

A subsequent report, dated 02/10/2015 stated that there are no objections, subject to conditions.

Housing Development, Housing and Residential Services

A written proposal was submitted, along with all relevant drawings, regarding compliance with Part V

5.0 APPEAL GROUNDS

5.1 The grounds of the third party appeal lodged by O'Neill Town Planning Consultants on behalf of Maywood Lawn Action Group may be summarised as follows:

- Main concern relates to interface between subject site, the proposed development and client's properties- contiguous to and immediately to the north east of the subject site
- Proposal is 850 metres from nearest mass public transport node
- Fails to protect existing residential and visual amenities due to high density, proximity and height

- Fails to respect character and pattern of development- embedded backland site- should have been zoned 'Z12' Institutional lands as it's a small institutional site
- No topographical maps submitted- impossible to assess the inter relationships of the development to the surrounding site -proximity contravenes one of key principles of Residential Density Guidelines- contends that building should be set back 40 metres to allow some level of privacy
- Devaluation of property values
- Site size at 0.3 hectares below 0.5 hectare required to develop its own density
- Intensification of subject site will lead to increase in traffic and create a traffic hazard
- Overbear, overlook and overshadow many of the residences in the area
- Noise from underground car park
- Not clear if necessary capacity is available in drainage system to cater for proposed development
- Proposal premature pending upgrade of water services and general sanitary services in the area
- Dominance of proposed development- inappropriate, out of character, unsympathetic
- Design approach is inappropriate response given pattern of development in the area
- Layout does to provide for high quality of urban design or adequate level of residential amenity for future residents

- Unnecessary and damaging intrusion into well-established residential areas
- Proposal fails to respect the character and pattern of residential development in the area, breaches many development control standards
- Site coverage at 0.3 is in excess of surrounding density and plot ratio at 1.2,- while within the standards of the Planning Authority in Outer City Areas, is in excess of that suggested for suburban sites in the Residential Density Guidelines
- Significant shortage in amount of private open space and Public Open Space available to future residents- question amenity value of some of open space shown
- Site could be considered to be located within transitional zone- established land use is institutional while surrounding land use is residential- the protection of the established low rise residential areas must be given preferential treatment
- Concerns regarding trees on boundary being removed
- Site is not appropriate for modern architecture- submits that scale, location, orientation and juxtaposition of the apartment block relative to appellant's houses has not been properly assessed
- Concerns regarding proximity to existing residential properties- overbearing, direct overlooking, loss of sunlight, overshadowing
- Concerns regarding construction phase of development- requests dust screens be erected along boundary
- Site has clearly got development potential- but embedded location, narrow access road and existing character and pattern of development suggests proposal is a serious mismatch with what is set out in residential developments in guidelines and statutory development plan

5.2 A report from Marston Planning Consultancy is attached as an appendix to this appeal. This is submitted on behalf of Joan Lister in support of Maywood Lawn Action Group's submission. It raises many of the issues outlined above including visual dominance, overlooking, impacts on residential amenity, overshadowing, noise and creation of traffic hazard.

5.3 The grounds of the third party appeal lodged by John Linehan may be summarised as follows:

- Unsuitable scale- overdevelopment of subject site
- Quantity of further information needed highlights the poor quality of the application
- Development fills a long narrow site with the design proposing a single massive block that is neither permeable nor respectful of surrounding development
- Concerns regarding height of proposal relative to established properties
- Concerns regarding overlooking of existing properties- concerns regarding light pollution considering separation distances
- Design of south elevation- unrelieved with no external detailing
- Concerns regarding density- not on main road, in village or is not on public transport corridor- nearest bus stop is on Howth Road some 1300 metres away
- Total distance between opposing bedrooms windows will be 21.075 metres
- Highest part of site is located to rear of appellant's property- notwithstanding removal of two apartments by planning authority, there is a marked impact on established residential amenity

- Questions whether glazing exceeds 20% of floor area of bedrooms
- No details submitted as to how development will make a positive contribution to place-making, social infrastructure
- Insufficient open space and storage within proposed development
- Increase in traffic is unsuitable and unsafe- DART is located in Raheny approximately 1.3 km away with similar distance to nearest bus stop- trips have been underestimated in documentation submitted
- Landscaping details submitted after request for further information from planning authority
- All trees are to be removed- concerns regarding benefit of screening from new planting
- Located beside route of River and adjacent to St. Anne's Park, extends to the sea adjacent to the North Bull Island Nature Reserve- having regard to this considers that landscape proposals are both inadequate and accompanied by insufficient information
- Concerns regarding provision of yew trees
- Informal play spaces removed on drawings submitted with Further Information- unsuitable children's play area
- No green routes provided in order to comply with SUDS
- No proper and usable area of open space; balconies only provide limited opportunity- left over spaces
- Minimum of 12 square metres of private open space is not met in any case

- Public open space provided in St. Anne's Park although Development Plan requires public open space within the development site
- Open space surrounding apartments is neither sufficient nor practicable for leisure purposes- majority of open space is access road for underground parking or pathway for circulation- not useable or of any quality- northern site boundary entirely shaded by building itself- southern site boundary comprises scrubby vegetation
- Palette of materials used for this development is neither generous nor of a high quality
- Majority of stairwells are located next to bedroom
- All kitchens are entirely internal with no direct natural light and without any natural ventilation
- Questions quality of waste storage, recycling and composting
- Appears to be no adequate space for drying clothes
- Proposal makes no positive design or social contribution to its surroundings

6.0 RESPONSES

6.1 A response was received on behalf of the applicant, which may be summarised as follows:

- Issues raised in relation to overlooking and overshadowing have been comprehensively dealt with in original planning application and in subsequent response to further information
- Proposal will not be seen in any architectural context due to its location at end of cul-de-sac except when approached along the cul-de-sac- designed specifically for this site- scale similar to that

recently completed on Clontarf Road- proposed development is a storey lower than the adjacent Watermill apartments- gentle curve of building gives it a unique and interesting identity- shape allows for generous south facing balconies with view over park and escarpment

- Open space of exceptional quality
- Raheny is now virtually an inner suburb of Dublin City- inappropriate not to take advantage of opportunity to expand housing stock in an established well serviced neighbourhood
- TRICS software used for trip generation analysis
- Proposed entrance is in same location as the existing surface carpark entrance
- Lane widths and corner radii are adequate to allow unhindered access to basement carpark
- In terms of future noise generation, this issue has been addressed in Condition 16b and 16c of decision to grant permission
- Topographical survey included in application along with site levels, parapet, eaves and ridge heights
- Landscape masterplan and planting plan were submitted with original application- additional information submitted as part of Further Information request
- With regards existing screening, Tree 13 is suffering from chronic and extensive decay and recommended for removal regardless of development proposals. Tree 14 is referred to as poor quality of limited value- neither have any medium or long terms prospects of survival
- Argues that proposed screening is appropriate for this location

6.2 A response was received from the planning authority which states that they have no further comment to make

7.0 OBSERVATIONS

7.1 An observation was received from O'Neill Town Planning on behalf of Maywood Lawn Action Group reiterating the points made in their original submission and stating that they support the appeal made by John Linehan.

7.2 An observation was received from Aaron and Neasa Copeland and Others which may be summarised as follows:

- Concerns regarding overlooking and privacy infringements- considers there was inadequate response to this issue in response to Further Information
- Proposed development is too high and too dense with particular concerns regarding 2nd, 3rd and fourth storeys.
- Contends that it is entirely inappropriate to include a river walk with the application- outside the boundary of the proposed development application- lands not owned by the applicant- Dublin City Council have also stated that they do not own these lands
- No public rights of way in vicinity of river
- Public access/river walk could result in human traffic along rear of houses of Watermill Lawn and/or access points leading to Windmill lawn- river is extremely hazardous- DCC keep gates locked at all times
- Requests that this walkway be conditioned out of any grant of permission
- Fears of anti-social behaviour, noise, concerns that area would become a 'rat-run'
- Proposal will overshadow gardens and rear of homes of Watermill Lawn- no analysis of extent to which proposal will impact on access to light- concerns regarding overshadowing, loss of enjoyment of their homes and reduction in property values
- Proposed development is at variance with height and scale of other developments in the area- proposed site is elevated relative to

houses- planning report omit the houses 15-18 Watermill Lawn inclusive

- Concerns regarding assessment of flood risk- river runs openly at the back of houses in Watermill Lawn- contends that real potential for flooding is not assessed
- History of flooding problems in area, contrary to details submitted
- Concerns regarding adequacy of Environment Impact Assessment
- Nuisance to residents during construction phase of development- concerns regarding dust and other air borne particles

7.3 An observation was received from Larry and Deirdre McMahon which may be summarised as follows:

- Concerns regarding access, traffic and parking- no proper provision for visitor parking or on street parking, creation of traffic hazard and nuisance to local residents- impede access for service/emergency vehicles
- Increased volume of traffic- safety concerns
- Concerns regarding impacts on existing main access road
- Consideration should be given to a development suitable for families- mixed development of houses and apartments would be appropriate
- Concerns regarding visual impacts
- Very little recreational space
- Concerns regarding overlooking and loss of privacy
- Increased burden on local drainage infrastructure

7.4 An observation was received from Sean Haughey, Dublin City Councillor which may be summarised as follows:

- Proximity of proposed development to existing two storey houses at Maywood Lawn
- Overbearing, overlooking and loss of privacy are serious concerns
- Loss of light and increased shadowing- considers proposal to be too high and should be reduced by one storey

- Concerns regarding proximity of proposed underground car park to their boundary walls
- Proposal out of character with existing neighbourhood- contrary to the proper planning and development of the locality

7.5 An observation was received from Sandra Graham and Kevin Moore which may be summarised as follows:

- Concerns regarding access road- insufficient room for two vehicles to pass on a stretch of this road- cul de sac
- Particular concern during construction when an estimated 30 two way truck trips per day are forecast- enormous impact in terms of gaining access to their homes- damage to roadway- concerns regarding access for emergency vehicles- significant health and safety concern
- Once completed, concerns regarding increased volume of traffic on narrow and private road- narrow public path which is the only one proposed
- Contends that no consideration has been given to their development in terms of access road and proximity to their homes
- Not clarified what temporary parking facilities for construction workers will be provided- disruption to local residents
- Concerns regarding spillover parking from residents of proposed apartments

8.0 PLANNING HISTORY

8.1 The most recent application pertaining to this site is as follows:

551/83

Permission GRANTED for a religious meeting room

8.2 An application of relevance in vicinity is as follows:

2615/02 (PL29N.201271)

Permission GRANTED on appeal for residential development of 177 apartments and associated works at The Glen, off Windmill Road, Raheny, Dublin 9

9.0 DEVELOPMENT PLAN

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

Zoning

The site is located within 'Zone 1' the objective for which is "to protect, provide and improve residential amenities".

'Residential' is a permissible use under this zoning objective

Section 4.4.3.1 Urban Density

Section 11.4.6 Apartment Living

Section 17.1.1 Design

Section 17.9 Standards for Residential Accommodation

Policy QH15

To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, achieving appropriate target average floor areas and levels of amenity within each apartment development; and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood

Policy QH19

To ensure that new housing development close to existing houses reflect the character and scale of the existing houses unless there are exceptional design reasons for doing otherwise

Policy SC13

To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city; which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 17, Development Standards including the criteria and standards for good neighbourhoods; quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities

Policy SC14

To promote a variety of housing and apartment types which will create both a distinctive sense of place in particular character areas and neighbourhoods, and coherent streets and open spaces

DoE,H&LG (2009) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

5.7 Brownfield Sites (with city or town centres)

5.9 Inner Suburban/infill

DoE,H&LG (2007) Guidelines for Planning Authorities, Sustainable Urban Housing: Design Standards for New Apartments

Appendix Recommended Minimum Floor Areas and Standards

10.0 ASSESSMENT

10.0.1 I have examined all the documentation before me, including the reports of the Planning Authority, the appeal submissions, observations and responses and have visited the site and its environs. I am assessing this appeal de novo.

10.0.2 A significant volume of Further Information was requested by the planning authority and as a result revisions to the original application were submitted. It is this revised application which I am basing my recommendation on. In my mind, the main issues relating to this appeal are

- Principle of proposed development
- Design and Layout of proposed development
- Impacts on amenity of area
- Traffic and parking issues
- Appropriate Assessment
- Other issues

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT

10.1.1 The subject site is located within 'Zone 1' of the operative City Development Plan, which seeks to 'to protect, provide and improve residential amenities'. This objective is considered reasonable. Residential use is considered a permissible use under this zoning matrix. Having regard to the above, I consider the development as proposed to be acceptable in principle and generally in compliance with the zoning objective for the area. I note some of the submissions query the appropriateness of the land zoning and consider that it should be zoned for institutional use. I do acknowledge its current use as a

religious meeting room. However, considering the extent of residential use in the immediate vicinity, I consider that the residential zoning is appropriate in this instance.

10.1.2 The DoE, H&LG (2009) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas examines the issue of density. It recognises that having regard to scarce lands, the opportunity to re-development brownfield sites to higher densities should be promoted. Similar type sentiment is evident throughout the operative City Development Plan. The proposed density is 115.5 units per hectare, based on a calculation of 40 units. The operative City Development Plan has no upper density limit for 'Z1' lands. Considering the location of the site within an area of primarily two-storey, semi-detached dwellings with a relatively low density, I consider this figure to be high. This density would be considered acceptable, if the proposed scheme were of a very high standard, of exceptional merit. As shall be detailed below, I question whether a standard of the level required has been attained in this proposal. A plot ratio of 1.21 is proposed, together with site coverage of 32%. These figures fall within the acceptable limits, as set out by the operative City Development Plan.

10.2 DESIGN AND LAYOUT OF PROPOSED DEVELOPMENT

10.2.1 The proposed development is essentially replacing a relatively modest religious meeting room with a four storey over basement apartment block. It is acknowledged that the site as existing is severely under-utilised in terms of its development potential. A total of 40 residential units are proposed, with two apartments omitted by condition by the planning authority bringing the total permitted down to 38 units. The mix of units comprises 8 x one bed, 25 x 2 bed apartments and 7 x 3 bed apartments. The two apartments omitted by the planning authority (No.s 21 and 33) are both two-bed units. The proposed apartment

block is four storeys over basement, with the top floor setback. It comprises one main spine with some setbacks, which attempts to break the plan up somewhat. The block has an overall length in excess of 70 metres. It is located due south of a terrace of two-storey, residential dwellings, known as Maywood Lawns, many of which have single storey extensions to rear. I have concerns regarding the impact of this proposed development on neighbouring properties, in particular those to the north. When viewed from these properties, the extent, bulk and length of the proposed block shall be excessive and visually dominant at four storeys in height. This is exacerbated by the length of the proposed structure with little in the way of break-ups, together with its proximity. I concur with many of the submissions that the proposed development if permitted as proposed would be overbearing and would significantly detract from their visual amenity. While I acknowledge that an apartment development may be appropriate on this site, I consider that the proposal before me is unsympathetic to the surrounding properties; excessively dominant and overbearing. This is particularly pertinent considering the proximity to site boundaries and lack of communal/public open space surrounding the proposed development. It must be noted that this four storey block is proposed to be located less than 7 metres from the party boundary with these established residential properties.

10.2.2 I consider the proposal to represent overdevelopment of the site. I consider that a three storey building with third floor setback would be more appropriate at this location with an elevational treatment that is less uniform and monotonous and of greater architectural quality. The uniformity, bulk and extent of the block when read from The Glen apartments is also not considered acceptable. The first party reference The Glen apartment scheme in their appeal response. I note however that this is a much larger site, capable of forming its own character, a site that has far greater setbacks from other residential properties. It is my opinion that the separation distances and quantum of open space

provided within The Glen scheme bear no resemblance to that proposed in this current scheme.

10.2.3 As has been noted above, two apartments have been omitted by the planning authority in their decision to grant permission. This is considered reasonable and I recommend that if the Bord is disposed towards the granting of permission that these two units also be omitted. From a visual viewpoint, they would lead to the stepping down of the proposed apartment block, making them integrate better with the two-storey dwellings to the east. In addition, their omission will somewhat negate issues of overshadowing on properties to the east. It will reduce the bulk of the proposed scheme, subsequently reducing impacts on adjoining residential properties.

10.2.4 Thirty-four of the forty units are dual aspect, with the remaining six being single aspect. I note that all units have a relatively large south-facing balcony. Details of materials and finishes have been submitted, which are considered acceptable in principle. If the Bord is disposed towards a grant of permission, this matter should be dealt with by means of condition. Floor to ceiling heights of 2.7 metres would give an added feeling of spaciousness to any future occupiers. All proposed residential units have floor areas in excess of minimum standards. Storage is provided both within individual units and also at basement level. It is noted that the storage area includes for the hotpress, which is not in compliance with the provisions of the operative City Development Plan. It would however appear that storage provision is generally in compliance with Development Plan standards. There are a number of further issues which I draw the attention of the Bord to. These include the fact that many of the kitchen areas do not have external windows and their distance from an external window is greater than 8 metres in many instances. The same applies to bathrooms in terms of natural light provision. I note that many of the master bedrooms are located beside stair cores, which in terms of layout and noise issues is not good planning practice.

10.2.5 In terms of private open space provision, all proposed units meet minimum standards with many units having a figure in excess of these. No public open space is being provided with the proximity of the subject site to both St. Anne's park and North Bull Island referenced. The Planning Authority considered that a contribution payable in lieu of public open space would be acceptable in this instance and I would concur with this opinion. I note that much of the communal open space within the scheme is simply residual space left over from the footprint of the building and access to basement carpark. A play area is demarcated on some of the submitted drawings, to the north of the proposed building, but is absent in other drawings and no specific details relating to same appear to have been submitted.

10.3 IMPACTS ON AMENITY

10.3.1 I acknowledge the concerns raised by the appellants and observers in their submissions and acknowledge that this would appear to be the area of greatest concern in particular concerns regarding overlooking, overshadowing, loss of light, impacts on privacy and issues of overbearing. I have dealt with the issue of overbearing above. Having examined the documentation before me, together with having carried out a visit of the site and its environs, I would generally concur with many of concerns expressed in the submissions received.

10.3.2 I acknowledge the concerns raised by the appellants with regards the impacts of the proposal in terms of overlooking. I also note and refer the Board to the detailed report of the planning authority in this regard. A detailed Further Information request was made to deal with issues of overlooking and the design was amended accordingly with high level windows, opaque glazing, inaccessible balconies and glazed screens. Having regard to all of the measures proposed, I consider that issues of overlooking would in probability not be excessive in this instance. Neither would issues such as loss of privacy would not be so great as to warrant a refusal of permission in their own right. However, I would severely question the level of amenity being afforded to any future

occupiers as a result of the extensive measures being put in place to negate issues of overlooking. High level windows, opaque glass to windows and opaque screens outside of windows on inaccessible balconies all proposed to avoid overlooking, would severely diminish the level of amenity being afforded to future occupiers. However, without these measures with a separation distance only above 6 metres to the boundary with a 21 metre separation distance between opposing higher level windows, issues of overlooking would be severe. Having regard to the separation distances involved, (less than 7 metres to the boundary) together with the level of amelioration measures needed to avoid overlooking, it points to a scheme that fails to meet minimum amenity standards.

10.3.3 I also have severe reservations regarding the impact that the proposed development would have, if permitted, in terms of overshadowing and loss of light. A Daylight/Sunlight Analysis Study was submitted as part of the response to Further Information by the Planning Authority. This report concludes that the proposed development is in line with 'Site Layout Planning for Daylight and Sunlight' (BRE Digest 209) recommendations for new developments and therefore there is no basis for a refusal on issues relating to shadow/daylight impact. I would have severe reservations in relation to this statement. The proposed four-storey building is located due south of the existing two-storey dwellings at Maywood Lawn. It is to be located less than 7 metres from the boundary with these properties. Considering the height, bulk and proximity of the proposed development to the site boundary, I consider that levels of overshadowing and loss of light would be unacceptable. While I note that two units were omitted by the planning authority, to negate overshadowing of the properties to the east, the issue still remains for the properties to its north.

10.3.4 I acknowledge that the proposal will result in the removal of a number of trees within the site. None of these trees have any special designations pertaining to them and a number appear to be in poor condition. Having examined the information contained on file with

regards their general condition, I consider that their removal would be acceptable. A landscape plan has been submitted, which includes for replacement planting and this is considered acceptable in my opinion. If the Bord is disposed towards a grant of permission, I recommend that this matter be dealt with by condition.

10.3.5 Having regard to all of the above, I am of the opinion that the proposed development if permitted may lead to the devaluation of property values in the vicinity. I consider that the works proposed to be unacceptable and if permitted would detract from the visual and residential amenities of the area to such an extent as to warrant a refusal of permission. I consider that the applicants are trying to fit too much onto this site, considering the pattern of development which exists in the area and the somewhat restricted nature of the site. The proposal represents overdevelopment of the site in my opinion and densities are excessive. I consider that the proposal is generally not in compliance with relevant Development Plan policies in relation to such works and that the proposal is inconsistent with the proper planning and sustainable development of the area.

10.4 TRAFFIC, ACCESS AND PARKING ISSUES

10.4.1 I note the report of the Roads, Streets and Traffic Department of the planning authority had no objections to the proposed development, subject to conditions. Access to the site is proposed via the existing road network of 'The Village' housing estate from Watermill Road with the existing site access point being retained. Pedestrian access is available along an existing footpath through the adjoining housing estate. As the existing footpath is located on the northern side of the road only, it was recommended by the Roads Division of the Planning Authority that that the existing footpath on the southern side of the roadway be extended to the site. I would concur with this opinion and consider that the matter could be dealt with by means of condition.

10.4.2 A total of 68 car parking spaces are proposed at underground level, of which 8 are for visitor parking. 20 bicycle parking spaces are also proposed in the open space to the north of the proposed building. This is considered acceptable.

10.4.3 I note concerns raised in the submission in relation to noise impacts due to the location of the access ramp to the basement carpark. Having regard to the volume of traffic involved, I would not expect this noise to be excessive.

10.4.4 Having regard to the above, it would appear based on the information that the road network is capable of accommodating the traffic generated by the proposed development. The site is within walking distance of a number of public transport options and is located approximately 7km from the city centre. I have no information before to believe that the proposal if permitted would lead to the creation of a traffic hazard or obstruction of road users in the vicinity.

10.5 APPROPRIATE ASSESSMENT

10.5.1 A Screening for Appropriate Assessment was submitted with the original application. It concludes that the project will not, either alone or in combination with other plans or projects give rise to significant effects on the integrity of Natura 2000 network. In particular, the proposed development will not adversely affect the integrity of the North Dublin Bay SAC or Bull Island SPA. The site is not designated for nature conservation purposes and is not directly connected with or necessary to the management of any Natura 2000 sites. A number of Natura 2000 sites are located within 15km of the site, with the nearest being North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006), both located 0.3km east and downstream of the subject site. The site is also located 2.1km from the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).General

Conservation Objectives exist for these sites. The River Santry discharges into the Bull Lagoon north of the causeway.

10.5.2 I note that this is a brownfield site, currently occupied by a meeting hall surrounded by extensive car parking. Existing vegetation is quite limited, with the exception of that along the boundaries. The development shall be serviced from mains water supply. All wastewater from the site will be discharged to the existing foul water mains system. SUDS have been incorporated into the proposed development. The potential for emissions relates primarily to surface water disposal from the site during construction. The site is located some distance above the Santry River and good site management practices during construction will ensure no discharges from the site will reach this watercourse.

10.5.3 It is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site in view of the site's conservation objectives and an appropriate assessment is not therefore required of a European site.

10.6 OTHER ISSUES

10.6.1 I consider that there is adequate information on file in order for me to comprehensively assess the proposed development.

10.6.2 I concur with the opinion of the observers that the proposed river walkway is outside the red line boundary and cannot be included in any assessment of this proposed scheme. This has been accepted in the report of the Planning Officer.

10.6.3 The proposed development is below the threshold for provision of childcare facilities.

10.6.4 I note the issues raised in relation to concerns regarding flooding. The concerns have not been validated by specific technical evidence. I have examined the OPW website www.floodmaps.ie, which contains no details of flood events in the immediate vicinity of the site. I also note the drainage/environmental information contained on file. I note the report of the Drainage Division of the Planning Authority, which states that they have no objections to the proposed works, subject to conditions. I therefore have no information before me to believe that the proposal, if permitted would lead to increased flooding the vicinity.

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 In light of the above assessment, I recommend that the decision of the planning authority be OVERTURNED and that permission be REFUSED for the said works, based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

1. Having regard to the existing pattern of development in the area and to the nature, form, height, scale and design of the proposed development, together with its orientation and proximity to site boundaries, it is considered that the proposed development would adversely affect the residential and visual amenities of properties to the north at Maywood Lawn; would lead to the depreciation of property values and would set an undesirable precedent for further similar developments in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

2. The design and layout of the proposed apartments, which includes for no natural ventilation for many kitchens and bathrooms, together with measures proposed to obviate issues of overlooking would result in an inadequate level of amenity for future occupiers of the proposed development. The proposed development is therefore considered not to be in accordance with the proper planning and development of the area.

L. Dockery

Planning Inspector

22nd February 2016