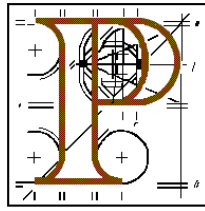


An Bord Pleanála



Inspector's Report

PL06D.246223

DEVELOPMENT:- Permission sought 15 houses with all associated site works at Legende, Falls Road, Shankhill, Dublin 18.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. No: D15A/0757

Applicant: Crekav Landbank Investments Ltd

Application Type: Permission

Planning Authority Decision: Refuse

APPEAL

Appellant: Crekav Landbank Investments Ltd

Observers:

- (1) Patrick & Barbara Pierce
- (2) Marguerite & David Lawlor.
- (3) Peter Dudley.
- (4) Ken & Nessa Hainbach.
- (5) Gerard Kennedy.
- (6) Olga Daly/Baxter & Warren Baxter.
- (7) Colm Brennan.
- (8) Conor Hickey.
- (9) Michael & Mary Houlihan.
- (10) Rathmichael Residents Association.

Type of Appeal: 1st-V-Refusal

DATE OF SITE INSPECTION: 13th May 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.6209 hectares, is located to the south west of Dublin just north of the M50 and to the south west of Cherrywood. The site is located on the northern side of Falls Road, which links to the R116 to the east of the site (R116 links to the N11 to the north of the site). The public road is just over 4m in width with no footpaths or public lighting. The area itself is semi-rural in nature with the development pattern at this location consisting of larger detached dwellings on significant plots and a high degree of existing trees and hedgerow forming the boundaries of these sites. The site itself is occupied by a large two-storey detached dwelling ('Legende') with an existing vehicular access off Falls Road. Boundary treatment on site consists of existing trees and hedgerow. Adjoining development consists of detached two-storey dwelling ('Wynhurst' immediately to the north west, a single-storey detached dwelling immediately to the south east ('Mimosa Lodge') and a dormer style detached dwelling immediately to the north east ('Mimosa').

2. PROPOSED DEVELOPMENT

- 2.1 Permission for demolition of an existing dwelling and garage (345sqm) and associated outbuildings. Permission is sought for construction of 15 no. 4 bed, part two and part three storey dwellings.

1 no. House Type A, detached (173sqm).

6 no. House Type B, semi-detached (178.6sqm).

6 no. House Type B1, semi-detached (178.6sqm).

1 no. House Type B2, detached (178.6sqm).

1 no. House Type B3, detached (178.6sqm).

The proposal also includes the provision of a pedestrian footpath along the frontage of the site and includes all associated site works (hard and soft landscaping, boundary treatment and car parking). The proposal includes closing of the existing vehicular entrance and the provision of new pedestrian and vehicular entrance further west along the Falls Road.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Irish Water (20/01/16): Further information required including additional detail required regarding the proposed foul water design and a breakdown of the discharge rate indicated by the applicant.
- (b) Drainage Planning (19/01/16): Further information required including an alternative attenuation system, demonstration that there is a sufficient rate of infiltration on site, details of sediment management, details of the interception system beneath the attenuation tank and a number of other drainage issues.
- (c) Environment (28/01/16): Refusal recommended based on criticism of the level of detail in regards to tree surveys and preservation of existing trees, sustainable drainage issues, provision of play proposals on site.
- (d) Transportation Planning (28/01/16): Refusal recommended based on traffic hazard due to intensification of traffic onto Falls Road, premature due to lack of adequate pedestrian facilities along the public road and precedent.
- (e) Planning Report (01/02/16): Concerns identified including the fact the density was below that required under County Development Plan and in the context of the proposed Luas line extension. The proposal would have an overbearing impact on the amenity of adjoining residential development. There were also concerns regarding loss of existing trees, drainage issues and concerns over traffic impact. Refusal was recommended based on the reasons outlined below.

4. DECISION OF THE PLANNING AUTHORITY

4.1 Permission refused based on 4 reasons...

1. The proposed development would result in a significant intensification of traffic exiting the proposed development onto the Falls Road, which is a local (urban) road, narrow in width and without footpaths. This would endanger public safety by reason of traffic hazard or obstruction of road users. Furthermore, the proposed development is considered to be premature as there is an existing deficiency on the Falls Road in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development. The proposed development, if permitted, by itself or by the precedent that the grant of permission for it would set for other relevant developments, would adversely affect the use of the Falls Road by traffic. The proposal is, therefore, contrary to the proper planning and sustainable development of the area.

2. The density of the proposed development at 24 units per hectare is significantly below both the recommended minimum density for new residential development in the County of 35 units per hectare and also the

more appropriate recommended minimum density for new residential developments in proximity to a Luas line, of 50 units per hectare as set out in Section 5.5.3 of the Dun Laoghaire-Rathdown County Development Plan, 2010-2016 and the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas', 2009. This is contrary to the proper planning and sustainable development of the area.

3. Having regard to the design of the dwellings on plots numbers nine to thirteen, and the extent of third floor windows on their rear elevations facing the north eastern boundary, it is considered that the proposed development would have an overbearing impact on the occupants of the adjoining dwelling 'Mimosa' and therefore would seriously injure the residential amenities and depreciate the value of property in the vicinity. Therefore, the proposed development would be contrary to the zoning objective of the site which is 'A' 'to protect and or improve residential amenity' and therefore would be contrary to the proper planning and sustainable development of the area.

4. The proposed development does not accord with Policies UD1, UD2, Sections 16.6.3(iii), 16.7.2 and 16.7.4 of the Dún Laoghaire-Rathdown County Development Plan, 2010-2016, in respect of creating a 'sense of place', responding to the site, preserving trees, providing appropriate soft SuDS and landscape design proposals, providing suitable play opportunities and enhancing local biodiversity. It is further considered that the proposed development has not adequately responded to the potential to link in appropriately to the potential redevelopment of the adjoining site 'Wyndhurst'. This would result in haphazard, piecemeal development and therefore would be contrary to the proper planning and sustainable development of the area.

5. PLANNING HISTORY

5.1 No planning history on site.

5.2 D15A/0235: Permission refused for the construction of 50 apartments, comprising of 10 of 1 bed apartments, 30 of 2 bed apartments and 10 of 3 bed apartments, in 5 blocks of 4 storeys each, the demolition of the existing 2 storey house (approximately 222.5 sqm), a shared vehicular access with the adjoining site to the east and associated site works on the adjoining site ('Wyndhurst') to the north west of the appeal site. Refused based on two reasons...

1. The proposed development would result in a significant intensification of traffic exiting the proposed development onto the Falls Road, which is a local (urban) road, narrow in width and without footpaths. This would endanger

public safety by reason of traffic hazard or obstruction of road users. Furthermore, the proposed development is considered to be premature as there is an existing deficiency on the Falls Road in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development. The proposed development, if permitted, by itself or by the precedent that the grant of permission for it would set for other relevant developments, would adversely affect the use of the Falls Road by traffic. The proposal is, therefore, contrary to the proper planning and sustainable development of the area.

2. It is considered that the design of the proposed development has not demonstrated an adequate response to the site constraints that exist in terms of the trees on site. This is contrary to Section 16.7.4 of the Dún Laoghaire-Rathdown County Development Plan, 2010-2016. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.

- 5.3 PL06D.245768: Permission granted for a house and new entrance gate from the Falls Road. Wastewater treatment system, surface water soakway and 2.1m high fence to internal boundary on a site to the south east of the appeal site (St. Catherines Falls).
- 5.4 PL06D.245271: Permission granted for construction of two storey detached house, car port, new access laneway and gate from the Falls Road, wastewater treatment system, surface water soakways and 2.1m high fence on a site to the south east of the appeal site (St. Catherines Falls).

6. PLANNING POLICY

- 6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2012. The site is zoned 'Objective A', with a stated objective 'to protect and or improve residential amenity'.
- 6.2 Policy RES3: Residential Density (Section 2.1.3.3)

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- Sustainable Residential Development in Urban Areas (DoEHLG 2009)
- Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
- Quality Housing for Sustainable Communities (DoEHLG 2007)
- Irish Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013)
- National Climate Change Adaption Framework-Building Resilience to Climate Change (DoECLG 2013).

6.3 Under Section 2.1.3.3 on Residential Density the following is also noted...

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged. As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas.

7. GROUNDS OF APPEAL

7.1 A first party appeal has been lodged by New Generation Housing on behalf of Crekav Landbank Investments Limited. The grounds of appeal are as follows...

- In regards to traffic safety and existing pedestrian facilities it is noted that the applicant does not have the ability to upgrade the Falls Roads, but would be able to provide for the necessary upgrades along their road frontage and be satisfied to contribute towards any upgrading works deemed necessary. It is noted that the cost of upgrading works could be shared between the applicants and other developers at this location and a special development contribution could be applied.
- In relation to density it is noted that not all sites are capable of facilitating the minimum density under the County Development Plan and the density proposed is influenced the existing pattern of development and density of development at this location with reference made to the Boards conclusions in regards to PL06D.245271.
- It is considered that the level of separation between the proposed development and the adjoining dwelling, 'Mimosa' are sufficient to prevent and overbearing impact with such being illustrated in the site section. In regards to

overlooking, the applicants are willing to reduce the size of rear windows by way of condition.

- The applicants are willing to co-ordinate with adjoining developers in terms of pedestrian linkages to the sites on either side. The layout of open space have been revised so it can tie in with open space on the adjoining site, 'Wyndhurst'.

8. RESPONSES

8.1 Response by Dun Laoghaire Rathdown County Council.

- The PA's response highlights the issues raised by Irish Water and the concerns raised by the Transportation Section in relation to the deficiencies in the existing road network.
- The PA note that the suggested proposal for road improvements are only sufficient for part of the road network and do not address deficiencies in the wider road network in the vicinity.
- The PA reiterates concerns regarding the density of the proposal in the context of the planned Luas extension.

9. OBSERVERS

9.1 Observations were submitted by the following....

- Patrick & Barbara Pierce, Ardvarna, Falls Road, Shankill, Co. Dublin.
- Marguerite & David Lawlor, Linford, Falls Road, Rathmichael, Dublin 18.
- Peter Dudley, Lakyle, Falls Road, Shankill, Dublin 18.
- Ken & Nessa Hainbach, Coolgarrow, Falls Road, Shankill, Dublin 18.
- Gerard Kennedy, Mimosa Lodge, Falls Road, Shankill, Dublin 18.
- Olga Daly/Baxter & Warren Baxter, Shankill, Falls Road, Dublin 18.
- Colm Brennan, Treetop, Rathmichael Dales, Ferndale Road, Rathmichael, Dublin 18.
- Conor Hickey, Grimaud, Falls Road, Rathmichael, Dublin 18.
- Michael & Mary Houlihan, Falls Road, Shankill, Dublin 18.
- Rathmichael Residents Association.

The nature and content of the observations are similar and the issues raised can be summarised as follows...

- The proposal would be contrary the Objective A zoning which is to protect existing residential amenities.
- The scale and density of development is out of character at this location, which characterised by detached dwelling on large plots and is rural in nature.

- The proposal constitutes premature and unsustainable development and would set an undesirable precedent for such.
- Concerns are raised regarding traffic safety due to the intensification of traffic proposed and the substandard nature of the existing road network in terms of width, alignment and pedestrian and cycling facilities.
- Concerns are raised regarding the scale and density of the proposed development in regards to impact on the amenities of adjoining residential properties. In particular the overbearing impact and possible overlooking in relation to the immediately adjoining dwelling, 'Mimosa'.
- Concern is expressed regarding the impact of the proposal on existing trees and vegetation and loss of habitat.
- It is noted that drainage infrastructure should not be provided in a piecemeal manner.

10. ASSESSMENT

- 10.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Density

Development control standards

Design, scale, visual/residential amenity

Traffic

Other issues

10.2 Principle of the proposed development:

- 10.2.1 The relevant plan is the Dun Laoghaire Rathdown County Council Development Plan 2016-2022. The site is zoned 'Objective A' with a stated objective 'to protect and or improve residential amenity'. The proposal is for residential use and is compliant with land use policy. The site is currently in residential use with a large detached dwelling and the adjoining development is also similar low density residential development. The proposal entails an increased density and a more urban form of development. I would consider the principle of the proposed development to be acceptable subject to the proposal being satisfactory in the context of its impact upon the amenities of adjoining properties, visual amenity, traffic safety and convenience, and satisfactory in the context of being an appropriate form of development at this location relative to existing infrastructure and the feasibility of future infrastructure provision.

- 10.2.2 The proposal does entail the demolition of an existing dwelling on site. The dwelling in question although in reasonable condition is of no significant

architectural merit or heritage value and is not a protected structure. Given the zoning of the site and Development Plan objectives in regards to zoned lands, the demolition of the dwelling is acceptable subject to the development proposal being satisfactory in the context of the issues noted above.

10.3 Density:

10.3.1 One of the refusal reasons noted that “the density of the proposed development at 24 units per hectare is significantly below the recommended minimum density for new residential development in the County Development Plan of 35 units per hectare and also the recommended minimum density for new residential developments in proximity to a Luas line, of 50 units per hectare as set out in Section 5.5.3 of the Dun Laoghaire-Rathdown County Development Plan, 2010-2016 and the Guidelines for Planning Authorities on Sustainable Residential Developments in Urban Areas’, 2009”. Since the decision was made a new development plan has been adopted with the Dun Laoghaire Rathdown County Development Plan 2016-2022 being the operative plan. Policy in regards to density is not much changed with Policy RES3 (Section 2.1.3.3) noting that “it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development”. As with the previous plan it is noted that “as a general rule the minimum default density for new residential development in the County (excluding lands on zoning Objective ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectares. This density might not be appropriate in all instances, but will serve as a general guidance, particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas”.

10.3.2 The density of the proposed development is 24 units per hectares and is not in accordance with the standard advocated under Development Plan policy for residentially zoned lands. The Planning Authority in its assessment noted the proximity of the site to the Brides Glen Luas stop (1.4km) as well as the proximity to the proposed extension of the Luas Line to Bray. In relation to density there are a number of issues that arise. The site context is at a location that although zoned is characterised by a very low density pattern of residential development, which would not even be suburban pattern of development, but is semi-rural in nature. The appeal site and adjoining sites are characterised by larger plots with detached dwellings and the proposal entails a significant increase in density over the existing. Based purely on Development Plan policy as written, the proposal does not meet the requirements in regard to residential density. Notwithstanding such I do consider that the site context is relevant with the site is at a location that at present is not an urban location. The pattern of development is very low density in the vicinity of the site and there are deficiencies in local

infrastructure, namely the capacity and standard of the local road network. Development Plan policy in regards to density (Section 2.1.3.3) does indicate the need “to ensure a balance between the reasonable protection of existing residential amenities and the established character of the area”. It also noted under the same section that “there may be some specific areas of the County where densities, which would normally be encouraged by virtue of proximity of the site to high public transport corridors, cannot realistically be achieved as a consequence of other infrastructural shortcomings-such as capacity of the local road network”. I would consider that such considerations apply to the site in this case and that I would not consider it appropriate to recommend refusal of the proposal purely on the matter of failure to provide a density of 35 units or more per hectare. I consider that there is wider issue here regarding the planning approach to the area.

10.3.4 I would consider that development of this type or even higher density is premature pending some sort of planning framework/strategy regarding the area including providing for the upgrading of the local road networks and facilitating good linkages to the public transport infrastructure in the area. I would consider that a coordinated approach is needed among the landowners as the current approach would lead to piecemeal and haphazard development as well as potentially leading to development that does not make sufficient use of zoned land in close proximity to existing and future public transport infrastructure (Luas line). I would acknowledge that the applicant has indicated a willingness to coordinate with the two land owners immediately adjacent the site, but still consider such to be an isolated approach when a wider planning strategy is required. I would note that there are no current proposals for a Local Area Plan that would cover the area the site is located in. I would recommend that permission be refused on the basis the proposal is premature pending the provision of coordinated and wider planning strategy/framework for the area and pending upgrading of the existing local network to facilitate increased traffic and pedestrian levels.

10.4 Development control standards:

10.4.1 In relation to residential development the issues concerning development control relate to the provision of public/private open space and car parking. In regards to general development control objectives the proposals entails the provision of 15 no. dwellings with each being a four bed unit. Under Section 8.2.8.4 of the County Development Plan the minimum requirement for dwellings with 4 bedrooms or more is 75sqm. The dwellings proposed have private open space ranging from 83sqm at minimum up to 189sqm and would be fully compliant with Development Plan policy. In regards to public open space, under section 8.2.8.2 of the County Development Plan it is noted that “for all developments with a residential component – 5+ units - the

requirement of 15 sq.m- 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms". It is also noted that irrespective of the circumstances outlined under Section 8.2.8.2 including relaxed standards due proximity to existing park facilities and financial contributions in lieu of public open space "the default minimum 10% open space requirement must be provided on site". The proposed development features a simple layout with dwellings backing onto the south eastern and north eastern boundary and a public open space area along the north western boundary providing for 938sqm. Based on the requirements of the Development Plan the proposal requires between 787.5-1050sqm (based on 3.5 persons per dwelling). The level of public open space provided is also 15%of the site area. The provision of 938sqm meets the minimum requires of the County Development Plan.

10.4.2 In regards to car parking, the proposal provides for two off-street car parking spaces per dwelling. Under Table 8.2.3 of the County Development Plan the requirement is two spaces per 3 bed unit +. In this regard the proposed development is compliant with development control standards. I am satisfied the proposal is compliant with the minimum development control standards set down under the County Development Plan.

10.5 Design, scale, visual/residential amenity:

10.5.1 The issue of residential amenity was raised in the reason for refusal and the observations submitted and in particular the relationship between the proposed development and the adjoining dwelling to the north east, 'Mimosa'. The layout of the development on site provides for an L-shaped arrangement of the dwellings with all dwellings backing onto the south western and north eastern boundary. All dwellings are three-storeys with a ridge height of 10.336m (House Type B, B1, B2 and B3) or 9.734m (House Type A). Eight of the dwellings back onto the south western boundary with windows in the rear elevation facing towards the site boundary. The other seven dwellings back onto the south western boundary with windows in the rear elevation facing towards the site boundary. To the south west is an existing single-storey dwelling (Mimosa Lodged). The level of separation between the rear elevation of the dwellings and the boundary with 'Mimosa Lodge is 17.667m and 14.617m. I am satisfied that there is sufficient level of separation between the rear of the dwellings and the adjoining property to the south east and the proposal would not have an adverse impact on the residential amenities of the adjoining property.

10.5.2 To the north east is an existing dormer style dwelling ('Mimosa'). The level of separation between the rear elevation of the dwellings and the boundary with

'Mimosa' is 11m and 12.177m. Although the level of separation in this case is smaller than that at the south eastern boundary, a distance of least 11m (up to 14m) is provided from the site boundary with 'Mimosa' and a separation distance of 28.57m provided between the rear elevation of the proposed dwellings and front elevation (orientated south west) of the existing dwelling to the north east. I would also note that the main amenity space associated with the existing dwelling is located to the north east of the existing dwelling and unaffected by the adjoining proposals. Having regard to the zoning of the site and the expectation of urban pattern of development, the level of separation proposed is satisfactory. I would also consider that subject to adequate boundary treatment, the proposal would be acceptable in the context of the residential amenity of the adjoining property and would not result in unacceptable overlooking or an overbearing impact.

10.5.3 In regards to overall impact, the appeal site is a level site and is not located at prominent or elevated location. The proposed development represents a significant increase in density over the existing pattern of development and a more intense form of development. The observations note that the proposal is out of character at this location. In this regard I would note that the proposal is likely to have a more significant visual impact than existing development at this location. I would however note that the site is on zoned lands and there has be an expectation that a more dense and urban form of development may become the norm at this location. The proposal does include retention of existing trees and landscaping measures. I would consider that subject to satisfactory measures in this regard that the visual impact of the proposal is not unacceptable on the basis that it is suburban form of development on lands zoned for residential development.

10.5.4 The fourth reason for refusal is critical of the development in the context of urban design objectives under the previous plan noting that the proposal fails to provide for strong sense of place. The reason for refusal is also critical of the proposal in relation to the provision of adequately designed play space and its integration with adjoining development proposals, namely the proposals in relation to the site to the north west ('Wyndhurst'). In regards to the quality of urban design, the proposal for a relative simple layout with similar house types. The applicant/appellant has submitted a revised layout providing a linkage to the proposed development site to the north west ('Wyndhurst'). The development is not a proposal that is of high or distinctive architectural merit. Notwithstanding such the proposal is not unacceptable in regards to urban design as it provides for simple layout that includes adequate provision of public and private open space both in terms of the level of such and its accessibility to the units it serves. I would not consider that the proposal would be significantly at odds with the recommendations of the 'Urban Design Manual'. As noted earlier the proposal is very much an isolated

piecemeal development in an area that is in need of a more coordinated and strategic approach to the wider development of the area and in this regard the proposal would be premature pending such. In regards to the issue of the provision of a play space, I consider that such is an issue that could easily be resolved and would reiterate that the proposal is compliant with minimum quantitative public open space standards under the County Development Plan.

10.6 Traffic:

10.6.1 The site accesses onto the Falls Road with an existing access serving the dwelling on site. It is proposed to close this entrance and provide a new entrance further north west along the road frontage. Falls Road is just over 4m wide and has the character of country road with no footpaths or lighting. The Falls Road links up with the R116 to the west, which joins the N11 to north of the site. The Falls Road also links into Stonebridge Road to the south west of the site. I would be satisfied that sufficient sightlines are available at the entrance onto the public road, however at present the width, alignment and provision of pedestrian facilities along Falls Road are deficient in standards to cater for a significant increase in density or intensification of traffic. It is notable that the applicant/appellant has indicated they and the developers associated with the sites immediately to the north west and south east along Falls Road are willing contribute towards the cost of upgrading the road or carrying out the work along their road frontages. It is notable that a previous development proposal on the adjoining site to the north west ('Wyndhurst') was refused under ref no. D15A/0235 for 50 no. apartments due to concerns regarding the deficiency of the local road network to cater for intensification of traffic proposed.

10.6.2 I would consider that the existing local road network is deficient in width and lacking in footpath facilities to cater for significant intensification of traffic proposed. Notwithstanding the proposal for some co-ordination of development approach with adjoining landowners, such would still only tackle a small and isolated amount of road frontage along one side of the public road and would still leave Falls Road and the local road network deficient in regards to width and pedestrian facilities and substandard for the purposes of facilitating development of this type. In this regard the proposed development would result in a significant intensification of traffic exiting the proposed development onto the Falls Road, which is a local (urban) road, narrow in width and without footpaths. This would endanger public safety by reason of traffic hazard or obstruction of road users. Furthermore, the proposed development is considered to be premature as there is an existing deficiency on the Falls Road in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development. The proposed development, if

permitted, by itself or by the precedent that the grant of permission for it would set for other relevant developments, would adversely affect the use of the Falls Road by traffic. The proposal is, therefore, contrary to the proper planning and sustainable development of the area.

10.7 Other Issues:

- 10.7.1 The issue of loss existing trees and vegetation is raised by the observers. The applicant did submit a tree survey report and tree protection strategy. The tree survey provides details of the type, value and condition of trees on site and identifies those to be retained and those to be removed. The majority of trees on site are to be removed and most of the trees on site are non-native species. The proposal does entail a significant level of new planting. I am satisfied subject to full implementation of the planting scheme that proposals in this regard are satisfactory. I would note that the full development potential of the site, which is on zoned lands for residential use cannot be achieved without the loss of existing trees, in particular those away from the site boundaries.
- 10.7.2 It is clear from the internal reports and Irish Water reports that the applicant has failed to adequately address issues concerning drainage serving the proposal. These issues including failing to comply with sustainable drainage measures (SuDS), the proposed foul water design, requirement for an alternative attenuation system, a need to demonstrate that there is a sufficient rate of infiltration on site, details of sediment management and details of the interception system beneath the attenuation tank. I would consider that these are engineering issues that are solvable however may require further information or conditions if a grant of permission were being considered.
- 10.7.3 The applicant submitted both an Ecological Impact Assessment and a Natura Impact Assessment Screening report. In regards to ecological impact the site is not a significant protected habitat and is at a location where the effect of the proposed development in regards to flora and fauna can adequately be displaced by the fact that the adjoining are similar in nature. In regards to Appropriate Assessment the screening report highlights Natura 2000 sites within 10km of the site. The report concludes that the site has no direct connection with the designated sites and would have no adverse effect on such and that a Stage 2 Appropriate Assessment is not required. I would agree with this assessment of the proposal and note that having regard to the nature and scale of the proposed development and its proximity 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.

RECOMMENDATION

I recommend refusal of permission based on the following reasons.

REASONS AND CONSIDERATIONS

1. The proposed development would result in a significant intensification of traffic exiting the proposed development onto the Falls Road, which is a local (urban) road, narrow in width and without footpaths. This would endanger public safety by reason of traffic hazard or obstruction of road users. Furthermore, the proposed development is considered to be premature as there is an existing deficiency on the Falls Road in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development. The proposed development, if permitted, by itself or by the precedent that the grant of permission for it would set for other relevant developments, would adversely affect the use of the Falls Road by traffic. The proposal is, therefore, contrary to the proper planning and sustainable development of the area.

2. The proposal is premature pending the provision of coordinated and wider planning strategy/framework for the area and pending upgrading of the existing local network to facilitate increased traffic and pedestrian levels as well as facilitating better linkages to the public transport infrastructure in the area. A coordinated approach is needed among the landowners as the current approach would lead to piecemeal and haphazard development as well as potentially leading to development that does not make sufficient use of zoned land in close proximity to existing and future public transport infrastructure (Luas line B1). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
18th May 2016