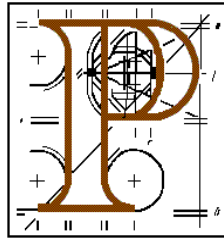


An Bord Pleanála



Inspector's Report

Development

Demolition of 2 no. fire damaged houses, construction of 14 houses at "Arranmore" and "San Michele" Church Road and the demolition of part of No. 19 Watson Road and provision of new extension, Killiney, County Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference:

Applicant: Crekav Landbank Investments Ltd.

Type of Application: Permission

Planning Authority Decision: Refusal

Planning Appeal

Appellant(s): Crekav Landbank Investments Ltd.

Watson Killiney Residents Association

Type of Appeal: First & Third Party

Date of Site Inspection: 7th June, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a first party appeal by Crekav Landbank Investments Ltd. and a third party appeal by Watson Killiney Residents Association against a decision by Dún Laoghaire-Rathdown County Council to refuse permission for the demolition of 2 no. fire damaged houses, construction of 14 houses at “Arranmore” and “San Michele” Church Road and the demolition of part of No. 19 Watson Road and provision of new extension at Killiney, County Dublin.
- 1.2 The proposal comprises:
- * The demolition of the fire-damaged single-storey houses of “Arranmore” and “San Michele” on Church Road;
 - * The closure of three vehicular accesses onto Church Road and the maintenance of one as a pedestrian/cycle access;
 - * The construction of a residential development with a new vehicular access through 19 Watson Road consisting of five semi-detached two-storey houses and two detached and seven semi-detached three-storey houses;
 - * The redesign of No. 19 Watson Road to include an extension and the removal of part of the single-storey house to provide a new access; and
 - * All associated site development, landscaping, boundary treatment and services.
- 1.3 The site area is 0.8937 hectares. The application details included a planning report, design statement, EIA screening report, ecological impact assessment, Natura Impacts Statement Stage 1 Screening Report, Traffic Impact Assessment, tree survey report, tree protection strategy and landscaping specification, an engineering services report, an energy statement, and a construction management plan. The TIA was undertaken for the proposed development together with a proposed residential development further south of the site for 33 houses and 34 apartments. Each development would access Watson Road.
- 1.4 Objections to the proposal were received by the planning authority from an extensive number of residents in the wider area, inclusive of Watson Killiney Residents Association. These raised issues relating to traffic,

drainage, residential amenity, visual amenity, and planning standards. The grounds of appeal reflect many of the residential concerns raised.

1.5 The reports received by the planning authority were as follows:

The Housing Department required a condition to be attached with any grant of permission requiring the developer to enter into an agreement in accordance with Part V of the Planning and Development Act.

The Building Control Engineer set out conditions to be specified.

The Municipal Services Drainage Engineer raised concerns in relation to infrastructure provisions and sought a range of revisions to the drainage provisions.

Irish Water in two reports requested revised proposals for water and sewerage provision.

The Parks Superintendent considered the proposal not to be in accordance with the provisions of the County Development Plan. Concerns were raised in relation to the loss of trees of high amenity value and the unsuitability and inadequacy of open spaces. A refusal of permission was recommended.

The Transportation Planning Engineer requested further information in relation to future access roads to adjacent sites, boundary wall treatment onto Church Road, a Quality audit, a traffic management plan, a range of drawings relating to layout, sightlines, compliance with taking-in-charge requirements, entrance details, footpaths, road markings, etc. and details on street lighting, signage and bicycle stands.

The Planner noted the zoning provisions for the site, planning history and the third party submissions received. Each of the internal reports received were re-stated. The main issues were considered to be planning policy, development density and mix of units, the standard of development, impact on visual and residential amenity, access and transportation, and third party concerns. A residential development was considered to be acceptable in principle. The density of development was regarded as being too low and the mix of units was seen to be inadequate. There was concern about the quality and location of public open space, the loss of trees, and the need for soft landscaping through the site at No. 19 Watson Road. It was considered that there are no significant overlooking,

overshadowing or overbearing impacts for adjacent properties. The Transportation Engineer's, Drainage Engineer's and Irish Water's requests for further information were noted. A refusal of permission was recommended for four reasons.

- 1.6 On 4th February, 2016 Dún Laoghaire-Rathdown County Council decided to refuse permission for the development for four reasons relating to inadequate housing density, inadequate mix of house types, deficiency of open space provision, and tree loss.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the area in which the appeal site is located on 7th June, 2016. The accesses to the lands of "Arranmore" and "San Michele" were restricted, notwithstanding correspondence with the applicant prior to the site inspection. Reliance on site-specific information is based upon an inspection of No. 19 Watson Road, a peripheral examination of the site of the two detached houses proposed for demolition, photographic materials contained in the application and photographs attached with previous inspector's reports for "Arranmore" and "San Michele", and aerial photography.

2.2 Site Location and Description

The site comprises the residential properties of "Arranmore" and "San Michele" with frontage onto Church Road and No. 19 Watson Road. The former two detached houses are fire damaged and are now derelict. Their garden areas are overgrown. No. 19 Watson Road is a detached bungalow. The overall site is bounded to the north-east by Church Road, to the north-west by "Yarborough House", a detached single-storey house, and to the south-east by "Donedon", a detached two-storey house. The south-west boundary of the site adjoins the rear gardens of Nos. 15-21 Watson Road.

2.3 Dún Laoghaire-Rathdown County Development Plan 2016-2022

Zoning

The site is zoned A with the objective “To protect and/or improve residential amenity”.

Residential Development

Policy RES 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 Adaptation Framework - Building Resilience to Climate Change’ (DoECLG, 2013).

The Plan also states that, as a general rule, the minimum default density for new residential developments in the County shall be 35 units per hectare. It is acknowledged that 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.

Policy RES4

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

Policy RES7: Overall Housing Mix

It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

Open Space

Policy OSR5: Public Open Space Standards

It is Council policy to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) and the accompanying 'Urban Design Manual - A Best Practice Guide'.

Development Management

Public/Communal Open Space –Quality

Where any open space is to be provided on foot of a planning permission, the space in question should be well overlooked and designed and located to sympathetically complement the layout of the development and should be visible from, and accessible to, the maximum number of dwellings.

Trees and Hedgerows

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow

2.4 Planning History

ABP Ref. PL 06D.244195

Permission was refused in 2015 for the demolition of Arranmore and San Michele, the construction of 8 houses and the redevelopment of No. 19 Watson Road for one reason relating to traffic hazard arising from access onto Church Road.

P.A. Ref. D10A/0314

Permission was refused in 2010 for the development of 5 detached and 16 semi-detached houses in place of Arranmore and San Michele, and the redesign of No. 19 Watson Road.

P.A. Ref. D07A/1149

Permission was refused in 2007 for 48 apartments in two four-storey apartment blocks and 9 houses.

3.0 APPEALS

3.1 First Party Appeal by Crekav Landbank Investments Ltd.

The Board is asked to consider the application in conjunction with the appellant's other application for Kylemore House (P.A. Ref. D15A/0778 / ABP Ref. PL 06D.246228). The grounds of the appeal may be synthesised as follows:

Density

- Minimum densities are only intended to be recommendations. The proposed density of 17 units per ha. is an appropriate density for this brownfield site, and has been doubled since the previous application that was granted. A density of 35 units per ha. is sought for new residential developments in the Development Plan and the Plan notes that this density may not be suitable in all parts of the built-up area.
- Due to the previous Board decisions access to the site is now from Watson Road. The existing pattern of development is mainly low density residential units. The scheme respects the existing neighbourhood character. It respects the residential amenity along Watson Road and will have no adverse impact on existing infrastructure. It also indicates possible future access into adjoining sites to minimise access points onto Watson Road. The site is now a back-land situation, where it is not considered appropriate to achieve normal densities.

- Reference is made to development plan policies RES3 and RES4, to the protection of residential amenity, the established character of areas and the constraints of brownfield re-development sites.

Inadequate Mix of House Types

- An application was lodged on an adjoining site (P.A. Ref. D15A/0778) in the hope that the applications would be considered in conjunction. The planning authority took a blinkered approach. A mix of house types across the two schemes range from 1-5 bed units.
- On small infill sites such as the appeal site, it is not always beneficial to provide a mix of house types. The proposal offers large houses which are flexible and suitable for families, the houses are different to the houses on Watson Road and Church Road, and provide a variety of housing types in the immediate area.

Deficient Open Space Provision

- The landscape proposal was a sustainable approach. The space provided is well overlooked and is easily accessible.
- Open space provision is well above Development Plan standards.
- There is a lack of understanding regarding the potential future road access provided within the site. This will remain open space until required by future developers. This is in line with guidance in relation to opening up backlands. The Transportation Department see the benefits of this approach.
- If future road access is provided, net residential densities on the site will increase and much needed housing in the area will be provided.
- The central open space is not located in a dangerous position and the road layout will ensure speeds are kept low. Its siting and the location of the play area complies with Council policy. The play area is designed to meet Council policy requirements. There is a lack of consistency by the Parks Department on siting of open spaces.
- The landscape/open space strategy is outlined in support of the appeal. The approach complies with Council policy on tree and hedgerow protection.

Computer-generated images are submitted in support of the appeal.

Tree Loss

- You cannot achieve densification on small infill brownfield sites without removing existing trees. You can replant in more appropriate locations to suit the new layout.
- Only 4 trees are of high quality and two are being retained.
- The provisions of Section 9.3.7 and 16.7.4 of the Plan referenced in Reason no. 4 try to preserve significant trees where possible. There are two significant oak trees that are not suitable for the infill site. To keep them would reduce the housing density on the site. Choices have to be made.

The appeal submission includes a copy of the appeal relating to P.A. Ref. F15A/0778 on lands to the south of this appeal site.

3.2 **Third Party Appeal by Watson Killiney Residents Association**

The grounds of the appeal may be synthesised as follows:

- In supporting the planning authority's decision, the Board is asked to include the specified reasons for refusal and to include further reasons for refusal.
- The proposed access arrangement is wholly inadequate via Watson Road which has inadequate capacity to serve the level of traffic to be generated. The proposal remains premature pending the necessary upgrade of strategic road infrastructure, namely Church Road.
- The proposal is premature pending adequate overall resolution of the existing deficiencies in the foul water system and in the absence of identified capacity in the surface water system to cater for the proposal.
- The proposal would materially contravene the zoning objective for the land as it would have very significant impacts on the surrounding residential amenity due to the height and scale of the development and the proximity to site boundaries.

It is requested that the undesirable precedent that would be established should also be acknowledged in the determination.

4.0 PLANNING AUTHORITY'S RESPONSE TO APPEALS

4.1 The planning authority directed the Board to the planning report and the deficiencies highlighted therein on density, mix of house types and open space provision. The report received from the Parks and Landscape Section was acknowledged. It was noted that the Transportation Planning report did not raise any concerns regarding the proposal to create a vehicular access onto Watson Road. A submission from the Municipal Services Department is attached. It is submitted that the proposal before the Board does not address the concerns raised in Items 1 and 2 of the further information request on drainage matters and that it may not be feasible to satisfy these requirements without significant changes to the scheme. It is submitted that Items 3-7 could possibly be addressed by precisely worded conditions. The Board is reminded that the planning authority is no longer in a position to condition the requirements of Irish Water. It is further submitted that the site lies within the catchment of a surface water system that has existing deficiencies. The authority is not aware of the deficiencies causing problems in the public system but it has commenced the process of preparing a rehabilitation scheme. Finally, it is submitted that a properly designed surface water system will be required to restrict run-off to existing greenfield run-off rates.

5.0 APPLICANT'S RESPONSE TO THIRD PARTY APPEAL

5.1 The response to the third party appeal may be summarised as follows:

- The reason the planning authority failed to cite matters relating to traffic hazard, piecemeal development and deficiencies in foul and surface water in its grounds for refusal is because each of the reasons has been overcome in the current application. It is noted that the Board had previous concerns in relation to traffic and drainage in 2015. The applicant has proved to the local authority that the infrastructural issues can be solved. Two houses were purchased on Watson Road to provide access and bring services onto that road, thus eliminating

piecemeal development and addressing the Board's access concerns. There will be very little impact on Watson Road in terms of turning movements. Construction traffic could come off Church Road to address the third party concerns on this matter.

- The third party has failed to submit an engineering report to substantiate drainage deficiency claims. The Board did not refuse previous schemes on the basis of foul sewer deficiencies. The applicant undertook a survey to ascertain the current condition of the foul and storm water network and identified remedial works to be addressed. The survey confirmed there is capacity and made provision for some small scale improvement works.
- The quantum of open space provision is well in excess of Development Plan standards. The open space is adequately overlooked and easily accessible. The landscaping proposal is sustainable in every sense.
- The additional proposed grounds for refusal were not identified as material planning issues by the planning authority because the proposal is fully compliant with relevant development standards.

An Engineering Report accompanies the submission addressing traffic issues and deficiencies on foul sewerage.

6.0 THIRD PARTY APPELLANT RESPONSE TO FIRST PARTY APPEAL

6.1 The response to the first party appeal may be summarised as follows:

- The appeal has failed to address the Council's four reasons for refusal in any meaningful manner.
- Concerns raised in the third party appeal are reiterated.
- The Board's previous decisions in respect of the appeal site clearly demonstrate that the development of properties onto Church Road is premature pending the upgrade of Church Road as required under the Development Plan. This is not the same as prohibiting access onto Church Road. The routing proposed will create a traffic hazard and will feed significantly greater volumes of traffic onto Church Road. This prematurity should be included as a reason for refusal.
- The applicant has failed to have any regard to other concerns raised, such as piecemeal development, deficiencies in foul and surface water sewerage, and the impact on surrounding residential amenity.

7.0 THIRD PARTY APPELLANT RESPONSE TO FIRST PARTY RESPONSE TO ITS APPEAL

7.1 It is submitted that the applicant did not provide any new or revised information but rather relies on information previously submitted to try to undermine the views of the Residents Association and the Council.

8.0 SUBMISSION FROM IRISH WATER

8.1 Irish Water submitted that it made a submission to the planning authority anticipating problems that can only be resolved through analysis as part of a pre-connection enquiry. It was understood that the developer had submitted a pre-connection enquiry since the planning authority's decision. It was noted that the impact on water services had not been addressed before the making of the decision by the planning authority.

9.0 OBSERVATIONS

9.1 Observation by James & Bernice Lalor

An observation by James and Bernice Lalor, 50 Watson Road, raised concerns about injury to amenities, excessive height of the development, and connections to sewerage and surface water systems.

9.2 Observation by Thomas O'Brien

An observation by Thomas O'Brien, 29 Watson Road, raised concerns relating to foul and surface water drainage, traffic, residential amenity, three-storey design of houses, and the precedent that would result.

9.3 Observation by Hugh McLoughlin

An observation by Hugh McLoughlin, 61 Watson Avenue, raised concerns relating to loss of trees, traffic impact, and impact on the sewerage system.

10.0 ASSESSMENT

10.1 Introduction

10.1.1 I consider the issues requiring consideration in relation to the proposed development relate to the following:

- The principle of the proposed development and the context of the Dún Laoghaire-Rathdown County Development Plan.
- Open space provision and tree loss
- Traffic impact
- Impact on residential amenity
- Provision of sanitary services

10.1.2 One other issue that will be considered in this assessment is Appropriate Assessment.

10.2 The Principle of the Proposed Development and the Dún Laoghaire-Rathdown County Development Plan

Zoning

10.2.1 I consider the principle of the proposed development to be wholly acceptable. The proposal is compatible with the zoning provisions for the land, which seeks to protect and/or improve residential amenity. It is a conforming use with the zoning provision and is a proposal that has been designed and laid out to minimise potential adverse impact on the amenities of adjoining residential properties, which will be referred to later in this assessment.

Development Density

10.2.2 I acknowledge the provisions of the current Dún Laoghaire-Rathdown County Development Plan, wherein higher residential densities are promoted under Policy RES 3 and where it is policy to densify existing built-up areas under Policy RES 4. The Plan also states that, as a general rule, the minimum default density for new residential developments in the County shall be 35 units per hectare. It is acknowledged that 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.

- 10.2.3 I first note that the proposed development would be sited on the lands of two detached residential properties which could not be determined to be 'greenfield' or a large 'A' zoned site. In this context, it is understood that a general guide of 35 units per hectare may not necessarily be readily applicable. I further note that the proposed development seeks to provide a density of some 17 units per hectare.
- 10.2.4 Important in the consideration of the issue of density are the policy provisions of the development plan to guide desired densities. Policies RES 3 and RES 4, while emphasising higher density development, also seek new development to ensure a balance between the reasonable protection of existing residential amenities and the established character of areas (RES 3) and to give due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities (RES 4).
- 10.2.5 In acknowledging the above, I note that the proposed development has been designed and laid out to seek a significantly higher density of development that is generally prevalent in its environs and it has sought to protect the amenities of neighbouring residents. It has made adequate provision for the standard of open space in accordance with the plan provisions. I am of the opinion that the applicant has sought to reasonably address the needs of the development plan while seeking to protect established residential amenities. I consider that the densification of development on this site has been adequately provided for in the context of a brownfield site in close proximity to established residential properties. One cannot ignore the context and character of the area in which the development is proposed to be set and, indeed, the plan expressly requires this. The deliverance of 35 units per hectare cannot be advocated as a reasonable guide that must be met before development may proceed in such a location. It may function as a generalised target and I would suggest that many examples can be provided where minimum development densities are not met for the very reasons that are required to be considered in this instance, namely the protection of the amenities of established residents of an area and respect for the character of an area. I, therefore, conclude that the proposed density of 17 units per hectare in this instance is a reasonable and responsible approach to the development of these lands.

Mix of Residential Units

- 10.2.6 I first note that this proposed development was submitted to the planning authority at the same time as another application by the applicant for residential development in the immediate vicinity. This other application is subject to appeal also – ABP Ref. PL 06D.246228. It is clear that these two proposals, while separate applications, were submitted to the planning authority to allow the authority to consider the overall development in its context. With due regard to this, there may be some merit in the applicant’s contention that the proposed development must be understood in the overall development of lands in this location, albeit that it must also be acknowledged that each application is required to be considered on its own merits.
- 10.2.7 The proposed development seeks to develop of 5 no. semi-detached two-storey houses and 2 no. detached and 7 no. semi-detached three-storey houses. It also includes redevelopment of No. 19 Watson Road. This is a location where large single and two-storey detached houses front onto Church Road, each with generous curtilage, and where detached bungalows and two-storey houses are located within Watson estate. The proposed development introduces a different scale and mix of residential units over that which prevails at present. While seeking to increase density on these lands, there must also be respect for the form and pattern of development in the immediate vicinity. The introduction of semi-detached housing brings with it a variety in the form of family living accommodation in this established residential area. While various approaches may be taken to densify and vary residential development on these lands, such as by the introduction of apartment blocks and a mix of other housing types, I contend that the proposed development would introduce an acceptable new mix of housing type in this area where detached residential properties prevail.
- 10.2.8 Policy RES 7 of the development plan seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the county. It is clear that the proposed development introduces a change to the established restricted mix of housing at this location and could not be seen to be contrary to the express aim of the development plan in seeking an appropriate variety of housing types and sizes.

10.3 Open Space Provision and Tree Loss

10.3.1 I note that the proposal seeks to provide in excess of the requirement for open space as required by the development plan. There would be a central public open space overlooked by the new housing. There would be an additional landscaped space to adjoining rear of No. 17 Watson Road that would provide a play area. Further to this, the scheme provides for possible future access to further sites along the frontage with Church Road and this is presented as further open space until the opportunity for future development arises. The scheme also provides for private open space for each of the proposed houses to the rear of each unit.

10.3.2 With regard to tree loss, it is firstly observed that “Arranmore” and “San Michele” are suburban gardens. I acknowledge that there are extensive tree and shrub species throughout this site. However, they form part of the suburban gardens in which existing houses are set. The site is zoned for residential purposes and the planning authority seeks densification of development on these lands in the pursuit of new development. In seeking to provide residential accommodation on these lands and in the manner expressly desired by the planning authority, i.e. higher densities than that which prevails at present in the area and with a greater variety in residential unit type, it is very clear that new development will remove most of the tree and shrub species that exist on the site. It is evident that choices are required to be made.

10.3.3 I acknowledge that there are examples of mature trees established on the site. The tree survey report is acknowledged in identifying the type, condition and merit of species. It is noted that there are no Tree Preservation Orders relating to the site. Two of the four identified high quality trees are proposed to be retained on the site. I note also that the landscaping proposal for the site seeks to introduce a significant planting scheme.

10.3.4 Further to the above, one must be required to undertake a balanced approach to the development of these lands. One cannot attain a reasonable density of development, introduce a greater mix and number of residential unit types, make public open space provisions, make private open space provisions, and develop an internal road network to facilitate movement throughout a residential scheme without the removal of a significant number of trees and shrubs on this site. On balance, the proposed development seeks to employ a reasonable approach.

10.3.5 Finally, I note that the development plan requires new developments to be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow. What must be realised in this proposal is the practicality of developing the lands in a manner close to that desired by the planning authority. Tree and shrub loss is invariably an outcome of the development of these lands, which of course must be understood to be lands in a suburban setting and context.

10.4 Traffic Impact

10.4.1 In considering this issue I first note that the planning authority did not refuse permission for the proposal on traffic grounds. Indeed, the report of the planning authority's Transportation Planning Engineer acknowledged the likely adverse impact new residential development would have on Church Road and understood the provision for the alternative access arrangements for the development of this land via the Watson estate. The planning authority raised no concerns in its decision about the traffic impact for residents of Watson estate, the carrying capacity of the estate roads, junction deficiencies, etc. I acknowledge that the Transportation Planning Engineer requested further information on a range of traffic-related matters. It is noted that these issues relate to the future development of a QBC on Church Road, potential future development on other lands, available sightlines onto Watson Road and a range of other issues that could readily be addressed in agreement with the planning authority in the event of a grant of permission being issued. The plans identify the new footpath layout on Church Road following its upgrade and provide for an adequate buffer along the Church Road frontage to provide for future internal road access. It is considered that clarity on the issue of sightlines at the access onto Watson estate would be appropriate at this stage of the application process.

10.4.2 I acknowledge that the third party appellant and observers have submitted no technical report or supporting traffic data that would suggest that the proposed development would result in any traffic hazard for the residents of the estate. The deficiencies of the road network, in this context, can only be understood to be conjecture at this time.

10.4.3 Further to the third party claims, one must acknowledge that Watson is a long-established estate with established junctions with the wider road

network. There are no details provided that could result in one reasonably concluding that the road network does not have the carrying capacity to accommodate the relatively modest additional traffic generated by the addition of 14 residential units to this locality. Further to this, the provision of sufficient on-site car parking is acknowledged, which addresses concerns about potential overflow to adjoining estate roads.

10.4.4 Finally, I acknowledge the Board had determined previously, under Appeal Ref. 06D.244195, that Church Road cannot facilitate traffic generated by new development from these lands. The applicant has responsibly sought to make alternative provisions in response to the Board's refusal reason in this most recent decision. The only alternative option is for future development to access Watson estate and the proposal satisfactorily makes provision for this option. I also note that, contrary to third party claims, the Board did not consider the development of these lands to be premature in the context of plan objectives relating to Church Road. There was no question of prematurity. Access to Church Road was seen to be unacceptable from a traffic safety perspective. Thus, under the current application the applicant has sought to provide the only feasible option to develop these lands by providing access via Watson estate. A Traffic Impact Assessment was undertaken and relevant surveys and modelling were undertaken and findings provided for consideration. This assessment has demonstrated that the local road network is capable of catering for the proposed residential development.

10.4.5 Having regard to the above, there are no express grounds for refusing the proposed development on traffic safety grounds or the resulting traffic impact on the residents of Watson estate. There is a need for clarity on the provision of sightlines onto Watson estate and this can be sought by way of further information.

10.5 Impact on Residential Amenity

10.5.1 I note the report of the Council's Planner expressly concludes that, with regard to overlooking, overshadowing and overbearing impacts, the proposal would not give rise to adverse impacts on adjacent property. I note the claims of third parties on the impacts on residential amenity, while I further note that such submissions have not been substantiated in terms

of information provided that would refute the planning authority's conclusions on this issue.

10.5.2 It is my submission to the Board that the proposed development would not result in significant adverse impacts on neighbouring residents by way of overlooking, overshadowing or overbearing impact and that it can reasonably be concluded that the proposed development would not result in any consequential significant loss of privacy or disturbance. The Board will note the layout and design of the housing scheme to avoid potential overshadowing of adjacent properties and the significant separation distances from site boundaries to avoid overbearing impacts. The design and layout of units have further been provided to avoid the potential for overlooking of houses on Watson Road, with gable ends of new units closest to Watson Road houses being without windows to habitable rooms above ground floor level and separated from party boundaries by side gardens.

10.5.3 Overall, it may be concluded that the proposed development would not likely result in any significant adverse impact on residential amenity and it is again acknowledged that the planning authority did not consider the proposal raised any such concerns.

10.6 Provision of Sanitary Services

10.6.1 I first note that the planning authority did not decide to refuse permission for the proposed development due to the deficiency in sanitary services. Indeed, the Water Services Engineer and Irish Water sought additional information. If this information had been requested, I would suggest that the applicant would have been in a position to respond in a meaningful manner to address the concerns raised. I further note that the Board in its most recent decision relating to the development of housing at Arranmore, San Michele and No. 19 Watson Road (ABP Ref. PL 06D. 244195) did not refuse permission for that development because of the deficiency of sanitary services. I note that in its Direction the Board stated:

Note:- The Board was not satisfied, notwithstanding the proposed remedial works to the foul and surface water sewers in Watson Road, that the development could be adequately accommodated into the existing public foul and surface water systems, and in particular was not satisfied that the applicant had adequately demonstrated that the foul drainage

system in the wider area had sufficient capacity to accommodate additional flows from the proposed development (and related proposed development under appeal register ref. PL06D244194), even after the provision of these remedial works. However, the Board did not consider it appropriate to seek further information on this matter having regard to the substantial reason for refusal ...

10.6.2 I acknowledge firstly that the applicant has substantially dealt with the Board's previous reason for refusal which related to traffic concerns. I further note the survey undertaken by the applicant, the engineering report and related submissions received as part of the application and appeal process, the mitigation measures proposed, and the correspondence received from the Water Services Engineer of the planning authority and from Irish Water. It is my submission to the Board, in due regard to the latter two submissions and to the Board's previous concerns, that the applicant should be afforded the opportunity to provide information seeking to address sanitary services requirements to allow for the development of these lands. This should be pursued by way of further information and the Board could then so determine if the sanitary services network is adequate to accommodate the development, if the development is laid out in a manner that allows for appropriate connection to services, and to otherwise determine if such development is or is not premature pending any necessary upgrading of services.

10.7 Appropriate Assessment

10.7.1 In considering the impact on Natura 2000 sites, I first noted that the proposed site is not on or near any Natura 2000 site, the nearest being Rockabill to Dalkey Island SAC some 2.6km away. I acknowledge that there is no known flora or fauna species of particular conservation value on the site, with the exception of one foraging pipistrelle bat recorded during fieldwork that did not originate from the site. I note that there are no watercourses within the holding that form part of any catchment that feeds into watercourses in the wider environment or any other natural features that could function as a pathway. I consider that the relevant source-pathway-receptor links relate to generated foul and surface waters via the drainage network and the proposed construction works. It is considered that these are not likely to pose any significant impact on the existing

European sites. The attenuation, treatment and disposal of foul and surface waters leaving this site would not result in any known deleterious impact on the qualifying interests of the Natura 2000 sites. The separation distances, short-term nature, and application of the construction management plan provisions should ensure there would be no likelihood of any impacts on the conservation sites. There are no known developments in the vicinity of this site that would give rise to any significant cumulative impacts.

10.7.2 It is reasonable to conclude that, on the basis of the information on the file which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Rockabill to Dalkey Island SAC, Dalkey Islands SPA of any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

10.8 Conclusions

10.8.1 There are evidently many ways of seeking to undertake a residential development on these lands. The approach must be a fine balance between gaining an appropriate mix of residential units, being assured of attaining a reasonable density of development, while at the same time respecting the character of the area in which such development would be sited, as well as protecting established residential amenity. There are several potential constraints associated with the development of these lands, including the inability to serve new development via Church Road, the proximity, nature and extent of neighbouring residential development, the extensive number of trees and shrubs on the site, etc. In noting these constraints, I am satisfied that the proposed development can be accommodated on this site in the form proposed as backland development such that it would not undermine the pattern and character of development in the area or be damaging to established amenities. However, I acknowledge that there is a requirement to obtain further details relating to the provision of sanitary services to meet the needs of the new development, while sustaining the needs of the established community, and to gain clarity on available sightlines from the proposed access onto Watson Road.

11.0 RECOMMENDATION

I recommend that further information is sought on traffic and drainage-related matters in accordance with section 132 of the Planning and Development Act as follows:

Surface Water Drainage

- Submit details, inclusive of supporting plans, comprising an alternative in-line attenuation storage tank proposal, with the attenuation storage tank located at the low point within the site and with the proposed design avoiding under tank interception storage. This proposal should also provide for the attenuation of surface water runoff from the proposed access road.
- Submit a site-specific flood risk assessment addressing concerns arising from possible surcharging of sewers leading to localised flooding.
- Submit details of the proposed hydrobrake chamber. The applicant is requested to note that an overflow arrangement within the hydrobrake chamber is not acceptable.
- The “Summary of Results for 100 year Return period (+10%)” contained in Appendix B of the Engineering Services Report submitted with the planning application to the planning authority indicates various pipes are at flood risk. You are requested to provide details of the reasons for this and to provide details to address such risk.
- It is noted that there are a number of discrepancies in the naming schedule of manholes and accompanying invert and cover levels shown on plans compared to long sections. Submit matching sets of drawings and re-run the calculations contained in Appendix A of the submitted Engineering Services Report to demonstrate consistency in drawings and documentation submitted in support of the application.
- The planning authority notes that the routing of drainage pipes to the side of proposed houses and through adjoining existing properties is a satisfactory arrangement as a means of accessing the public surface water sewer on Watson Road but it would not accept this arrangement for the purposes of future taking-in-charge of these pipes, as well as

the surface water drainage system and associated elements within the estate that drain through them. You are requested to submit detailed arrangements to address the concerns raised.

Foul Sewerage

Irish Water has submitted in response to the application:

- The proposed water supply should be via Church Road rather than Watson Road;
- The problems in relation to foul sewage and water supply services in the area of the site can only be resolved through analysis as part of a pre-connection enquiry.

It is understood that the applicant has submitted a pre-connection enquiry to Irish Water. You are requested to submit details to the Board of the outcome of this enquiry and to submit your proposals in response to the revised arrangements required by Irish Water in relation to provision of water supply via Church Road.

Available Sightlines

- Submit detailed drawings showing the achievable sightlines for exiting vehicles onto Watson Road from the proposed entrance to the development in accordance with the Design Manual for Roads and Bridges. The applicant should note that the required sightlines are a minimum of 45m in each direction to the nearside road edge from a minimum setback of 2.4m from the entrance to provide adequate vision for vehicles exiting.

Kevin Moore

Senior Planning Inspector

June, 2016.