



An
Bord
Pleanála

Inspector's Report PL 06D.247679

Development

Demolition of an existing nursing home and 5 no. studio apartments and the construction of 70 residential units in 3 no. apartment blocks and all associated site works

Location

Richmond Cheshire Home, Richmond Park, Monkstown, County Dublin.

Planning Authority

Dún Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D16A/0678

Applicant(s)

Randalstown Construction Ltd.

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Randalstown Construction Ltd.

Observer(s)

James C. Barry

John & Denise McEvoy & Others

Liam & Tove O'Flanagan

Tony & Carmel Sheppard

David J. Tyndall

Date of Site Inspection

8th March, 2017

Inspector

Kevin Moore

1.0 Site Location and Description

- 1.1 The site of the proposed development is located off Carrickbrennan Road in Monkstown, County Dublin. It is accessed via a cul-de-sac that serves the site, two detached houses at Kenilworth Way, four terraced two-storey houses at New Alma Place and a small housing estate, Richmond Green. A pedestrian lane exists also that links the access road to Richmond Park, which is a housing estate to the south of the site. There is a footpath and mature trees along parts of the access road.
- 1.2 The site is roughly L-shaped and comprises an area of 0.95 hectares. There is an 18-bedroom care home (Richmond Cheshire Home) and five studio apartments on the site laid out in a linear form. The site's southern boundary comprises a steep embankment that is densely planted and there is a retaining wall along its base. Behind the embankment is the estate of Richmond Park which comprises semi-detached and detached two-storey houses on higher ground. The western site boundary contains mature planting and beyond this is sited a period residence and its curtilage. The northern site boundary is defined by an existing stream with mature planting along both banks. There are detached houses immediately to the north of the stream.
- 1.3 Development in the immediate vicinity comprises primarily private housing, with commercial and ecclesiastical uses along the Monkstown Road to the north.

2.0 Proposed Development

- 2.1 The proposed development comprises the demolition of an existing nursing home and 5 no. studio apartments and the construction of 70 residential units in 3 no. apartment blocks and all associated site works. The apartment blocks would be laid out in a staggered arrangement and would be finished externally in a mix of stone cladding and brick. Two of the apartment blocks would be four storeys in height and would contain 16 two bedroom and 8 one bedroom units, while a third block would be four storeys containing 2 three bedroom, 14 two bedroom, and 6 one bedroom units. Each of the units would be provided with private terraces/balconies. The proposal would include a basement providing for bin storage, plant rooms, 95 car parking spaces, 4 motorcycle spaces, and 30 bicycle spaces. 5 visitor car parking spaces and 54 bicycle spaces would be provided at surface level. The works would

also include upgrading of the existing road and footpath, landscaping, boundary treatment and site development works.

2.2 Details submitted with the application included a planning statement, an architectural design statement, engineering services report, a traffic assessment, a flood risk assessment report, a daylight and sunlight analysis, a shadow study, a Natura 2000 Impact Screening Report, photomontages, and a tree survey and report.

3.0 Planning Authority Decision

3.1 Decision

On 8th November, 2016, Dún Laoghaire-Rathdown County Council decided to refuse permission for the development for three reasons relating to the inadequacy of open space provisions, the impact of proposed Block A on the amenities of adjoining property and on development potential of adjacent land, and inappropriate design relative to the character of the area.

3.2 Planning Authority Reports

3.2.1 Planning Reports

The Planner referred to the zoning of the site, the site's planning history and the objections received. The internal reports received were repeated and the prescribed bodies' submissions were noted. Residential development on the site was considered acceptable in principle. The proposal was seen to be substandard in terms of open space provision by way of area and layout/location. Concerns were also raised about protection of significant mature planting, overlooking from proposed balconies between opposing blocks, and the inadequacy of separation distance between Block A and lands to the west and the consequent impact on that land's developability. Further concerns were raised about impact on residential amenity of property to the north from Block A and to the visual impact of the three blocks on the character of the area. The apartments were generally seen to comply with space requirements and there were no concerns relating to impacts on residential amenity for houses in New Alma Place, Kenilworth Way and Richmond Park. The proposal was not seen to adversely impact on the character of the coastline or views from the sea. The site was viewed as having the potential to

accommodate significant residential development with building heights of four storeys acceptable in principle. The density of the development, producing 100 units per hectare when the access road is excluded from calculations, was regarded as acceptable in principle. A greater mix of apartment types and sizes was regarded as appropriate. It was considered that an ecological assessment of the site was required. A refusal of permission was recommended for three reasons which formed the decision of the planning authority.

3.2.2 Other Technical Reports

The Housing Department noted that the proposal is capable of complying with the requirements of the County Development Plan and the Council's Housing Strategy.

The Conservation Officer noted that the site is located outside of the Monkstown Architectural Conservation Area (ACA). It was submitted, however, that the proposal would have an impact on its setting and that, due to its scale and height, would be out of keeping with the character of the ACA.

The Drainage Engineer requested further information relating to a revised flood risk assessment, the position of utilities on the site, revised proposals applicable to the SuDS element of the scheme, and further surface water attenuation details.

The Landscape Architect considered the site to be environmentally sensitive in visual, ecological and place-making terms. It was further considered that the proposal falls short of requirements. Proposed public open space was viewed as substandard, the children's play area was seen to be shaded and poorly designed, information on trees was regarded as deficient, and landscape proposals were determined to be unacceptable. A refusal of permission was recommended.

The Transportation Planning Engineer accepted the conclusion drawn by the applicant that the proposal would not result in significant additional traffic volumes in the context of the road network. The proposed shared surface area along Richmond Green was considered unacceptable for pedestrians, as was the proposed pedestrian crossing. Visitor and disabled parking were regarded as inadequate and it was considered that more covered cycle parking was required. A request for further information was recommended.

3.3 Prescribed Bodies

Irish Water had no objection to the proposal.

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, on nature conservation, recommended further information be sought in the form of a badger survey and, on archaeology, recommended that archaeological monitoring be included as a condition with any grant of planning permission.

An Taisce raised concerns about the height of the proposed development, road limitations, legal interest, flooding, lack of private open space, lack of car parking, impact on residential amenities, and conditions of use for the site. A refusal of permission was recommended.

3.4 Third Party Observations

Objections to the proposal were received from Christine Nelson, James C. Barry, Alastair Hodgett and Lara Henry, Nessian and Carol Kelly, Tony and Carmel Sheppard, Bernard and Rosaleen Duggan, Claire Kennedy, David and Lucy Tindall, John and Ann Doyle, Palma Management Ltd., Markus Hennig, Michael Begley, Caitriona O'Connor, Donal O'Neill, Rosemary Dawson, Liam and Tove O'Flanagan, and Matt Quigley. The observations received by the Board reflect the range of principal planning concerns raised.

4.0 Planning History

P.A. Ref. D99A/0172

Permission was granted for a single-storey 5-bedroom extension to the care home and the relocation of a work shed.

P.A. Ref. D00A/0975

Permission was granted for revisions to the above application, for the conversion of the attic to 3 staff bedrooms, an office/store and ancillary works.

5.0 Policy Context

Dun-Laoghaire-Rathdown Development Plan 2016-2022

Zoning

The site is zoned 'A' with the objective "To protect and or improve residential amenity."

Residential Development

Policies include:

RES3: Residential Density

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).

RES4: Existing Housing Stock and Densification

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.

6.0 The Appeal

6.1 Grounds of Appeal

The grounds of appeal may be synopsised as follows:

Reason No. 1 – Communal Open Space

- The landscape masterplan for the scheme has been revised. The southern embankment is proposed to be a useable space for residents, providing a woodland-style nature trail, seating areas and tree planting.
- Communal roof gardens are proposed for each apartment block which would include outdoor seating and planting. Overlooking of adjoining properties is to be addressed by planting, glazed screening and appropriate separation distances. These measures would equate to a total of c.1,205 square metres of communal open space.
- It is submitted that the proposal now meets with the Development Plan requirements relating to open amenity space.

Reason No. 2 – Impact of Block A

- The land to the north of Block A is to the rear of a house, is lowlying and is a flood plain. There is a specific objective to protect and preserve trees and woodland. It is considered the lands have limited development potential. The lands to the west form part of the curtilage of a protected structure, Dalguise House. The lands have a specific tree protection designation and they lie beyond the densely screened western boundary of the site. The proposal, by way of its design, screening and setback does not affect the development potential of these lands to the west.
- Design revisions have been made to Block A to include the addition of angled windows to the northern boundary and the introduction of obscure glazing to balconies to address overlooking.

Reason No. 3 – Inappropriate Design

- The proposal has been subject to a full analysis/feasibility study, assessed in the context of its surrounding environment. The design approach has evolved with regard to the characteristics of the site.

- It is noted the Planning Officer considered the height and density of the development to be acceptable.
- The design approach provides for a high-quality residential development. The proposal results in a distinct sense of place on the approach and it has the potential to provide maximum amenity and quality of life for residents.
- Given the acute shortage of available residential accommodation in Dublin, the proposal is a viable, sustainable and appropriate development for the brownfield site.

In support of the appeal submission and in addressing matters raised by the planning authority through its internal reports, a range of drawings and visual images are attached showing the scheme with proposed revisions. A response to drainage issues is also attached, together with an architectural conservation assessment and a bat survey evaluation.

6.2 Planning Authority Response

The planning authority stated that it noted some minor revisions to the development but considered the fundamental issues with the layout and design of the proposal were not addressed. It is recommended that the proposal is refused for the three reasons in the planning authority's decision.

6.3 Submissions from Prescribed Bodies

The Department of Arts, Heritage and the Gaeltacht, in reference to nature conservation, submitted that three to five pairs of Grey Herons and at least one pair of Little Egrets (Annex I species) nested in a Monterey Cypress on the site and it confirms that Grey Herons are currently roosting in the tree. It is stated that this is only one of two heronries currently known to be in use in the Dún Laoghaire-Rathdown area and the only site in the area in which Little Egrets have been reported nesting. The site is considered to be at least of local significance. The proximity to South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay

SAC as foraging area is acknowledged. It is noted that proposed Block C would be 16m from the outer canopy of the tree, with the proposed roof garden being at about the same height as the herons' nest. It is concluded that, in the event the Board grants permission, consideration is given to the existence of the heronry and it is recommended that the applicant submit mitigation to ensure the tree can be maintained as a nest site for Grey Heron and Little Egret into the future.

6.4 **Observations**

Observation by James C. Barry

The observer, residing at No. 82 Richmond Park, raises concerns relating to negative impact on residential amenity, structural destabilisation, flooding, impact on ecology, traffic safety, tree loss, and accuracy of information on the existing use of the site.

Observation by John and Denise McEvoy & Others

The observers, residing in Richmond Park, raise concerns relating to potential subsidence, proposed boundary treatment and loss of privacy, traffic safety, noise pollution, inadequate car parking, fire safety, and the quality of the development.

Observation by Liam and Tove O'Flanagan

The observers, residing at No. 81a Monkstown Road and supporting the planning authority's decision, raise concerns relating to impact on residential amenity, developability of their property, flooding, excessive height of Blocks A and B, insensitive design, excessive density, and loss of screening.

Observation by Tony and Carmel Sheppard

The observers, of Site 2 Richmond Park Drive and supporting the planning authority's decision, raise concerns relating to the deficiency of the application and the appeal submission, excessive density of development, the inaccessibility and useability of the southern bank as open space, the functioning of the roof gardens as green roofs and communal open space, traffic impact, and residential amenity.

Observation by Palma Management Ltd.

The observer is the management company for 18 residential units at Richmond Green which share the same access as the existing nursing home. Concerns raised relate to impact on residential amenity, property values, validity of the application, density, traffic hazard, flooding, design quality, residential mix, level of application detail, and inaccuracy of information. The Council's three reasons for refusal are also supported and the appeal is viewed as not addressing the reasons given.

Observation by David J. Tyndall

The observer, residing at No. 5 Richmond Green and supporting the planning authority's decision, raises concerns relating to the scale and design of the development, inadequacy of the appeal to the planning authority's reasons for refusal, density, traffic safety, conservation, flooding, and inadequacy of ecological surveys.

6.5 Further Responses

Observer responses to the submission by the Department of Arts, Heritage and the Gaeltacht were made by Palma Management Ltd., David and Lucy Tyndall and Tony and Carmel Sheppard. These refer to deficiencies in the application and the threat posed to birds of conservation value on the site.

The applicant responded to the Department's submission and included two reports comprising heronry mitigation plans from a Consulting Ecologist and from a Consulting Arborist.

Further responses were received from the Department of Arts, Heritage and the Gaeltacht, Liam and Tove O' Flanagan, James C. Barry, Tony Sheppard, and the planning authority. The Department expressed concerns about mitigation measures proposed and recommended further information be sought on the timetable for clearance and demolition works and proposals to protect the heronry tree from damage during the construction. Conditions were also included.

7.0 Assessment

7.1 Introduction

7.1.1 I consider that the principal planning issues relate to the adequacy of the proposed development in terms of the provision of public open space, impact on residential amenity, the impact on the developability of adjoining lands, the scale and design of the proposed scheme, and traffic impact. As well as addressing these issues in this assessment, the matter of ecological impact and impact on nearby European Sites will be considered.

7.2 Open Space Provision

7.2.1 The planning authority has raised significant concerns relating to the deficiency of open space provision to serve the needs of the residents of the proposed scheme. The areas proposed to be used are considered substandard, non-useable and spatially constrained. In response the applicant has submitted to the Board proposals that include provision of open space along the southern bank of the site and the provision of communal roof gardens for each of the three apartment blocks.

7.2.2 The first observation that is required to be made is that the northern, western and southern flanks of the proposed site are densely planted. This dense planting provides a key function, namely to adequately screen the development site and, thus, to protect its amenities and to protect the amenities of adjoining residential properties. It also provides an important landscape function as it is an important attribute of the character of this area. Where the existing development is proposed to be replaced by a significantly increased density of development and by substantially higher structures over that which exists on the site and, indeed, in this general location, it is reasonable to determine that the retention of this essential screening would be key to allowing for such new development if it is to adequately protect established amenities.

7.2.3 A second observation to be made, in light of the need to retain peripheral screening, is that the site is narrow for the scale of development being proposed. The footprints

of the blocks indicate that they would stand only a few metres from the stream that runs along the northern boundary of the site where the land slopes to the stream edge, that the westernmost block (Block A) would be sited only 3 metres from the western boundary at its nearest point, while each of the blocks would be sited approximately 7 metres from the retaining wall at the base of the embankment to the south at their nearest points.

7.2.4 Acknowledging the above, it is evident that the functional open space to serve the needs of the residents of this scheme was confined to the remaining space between and around blocks. Due to the site constraints and scale of the development such space would be subject to significant overshadowing and I would seriously question its ability to function as viable space to provide for the needs of residents.

7.2.5 The applicant, by providing to the Board the proposals to develop open space along the southern embankment and to develop roof gardens, is acknowledging, in my opinion, that the application to the planning authority did not provide adequately for the needs of residents. Thus, I am of the opinion that the planning authority's reason for refusal was merited. In considering the proposals now before the Board, I must again look at the functionality of the proposed additions to the open space scheme for this development.

7.2.6 The southern end of the existing site comprises a steep embankment with a retaining wall along the northern side. It is densely planted. As I have stated earlier, this planted embankment provides an important function. It screens the site and protects the amenity of the existing nursing home on the site, while screening Richmond Park housing to the rear to maintain privacy and thus protecting residential amenity. The proposal to provide a woodland-style nature trail, seating and viewing areas is not a viable option for a number of reasons. This is a steep embankment that is narrow. Any development of such proposals would require a notable loss of existing vegetation. The practical use of the space is not understood. Due to the incline and restricted width, it would not be an attractive space for active use. Furthermore, the functioning of seating and viewing areas immediately behind the blocks must be questioned. I do not accept that the development of this bank as

proposed would provide meaningful and useable additional open space for residents.

7.2.7 The proposed roof gardens introduce a number of significant concerns. Sited at roof level at heights of just under 13 metres, they would pose significant concerns for the amenities of properties in the vicinity. Block A in particular would raise concerns in relation to its effects on lands to the north and west. With the loss of vegetation associated with the development of the embankment to the south, the blocks would be notably more exposed to properties to the south and the roof gardens would introduce a degree of intrusion that does not prevail at present. There is, thus, significant potential for this proposal to result in a loss of privacy for residents of this location. A further point that must be raised is the relationship of Block C to the established Monterey Cypress at the entrance to the existing development on the site. Grey Herons roost in this tree, only one of two heronries currently known to be in use in the Dún Laoghaire-Rathdown area. It is also the only site in the area in which Little Egrets have been reported nesting. These are an Annex I species. The Department of Arts, Heritage and the Gaeltacht notes that Block C would be sited 16 metres from the outer canopy of this tree. The applicant, in response to the issues raised by the Department, submitted proposals to address concerns. The Consulting Ecologist concluded: "While the recommended measures are associated with a degree of uncertainty, it is considered that there is a reasonable chance that the birds will retain their use of this tree if mitigation is fully implemented." The Department raised concerns about the proposed mitigation measures in response to this submission. It is my submission to the Board that a functioning roof garden poses a significant threat to roosting in terms of nuisance arising from the use of such a space in such close proximity. In conclusion, I do not accept that screens along the periphery of the roof gardens will mitigate overlooking of residential properties and adverse impact on nesting in the Monterey Cypress.

7.2.8 I offer a final observation on the proposed development of a playground to meet the needs of children. The playground is proposed to be sited behind Block B, to the side of Block C and adjoining the embankment to the south. Its siting would ensure this is an overshadowed and poorly located basic amenity. Such a provision further

compounds my concerns relating to 'functional' open space that meaningfully meets the needs of residents.

7.2.9 It is my conclusion that open space provision is seriously deficient in the proposed scheme.

7.3 Impact on Residential Amenity

7.3.1 I have alluded above to concerns relating to potential impact on the amenities of established residents by way of the proposed measures to increase open space provision for the scheme. The loss of mature planting arising from the development of the apartment blocks would also significantly expose the development and alter the character of this relatively secluded location. I note the separation distances between the proposed blocks and established houses and consider that distances between opposing windows generally would ensure that impact by way of direct overlooking of established houses would be mitigated. However, I acknowledge that the separation distance between Block C and the house on Site 2 Richmond Park Drive to the south-east would be approximately 20 metres, with living room windows at first and second floor levels and balconies producing overlooking into this property and over its curtilage to the front. It is also significant that there would be a recessed third floor level which would exacerbate the perception of overlooking that would result and a need for greater separation distances would be warranted. Evidently, overlooking from this established house of living space of residents in the new apartments would also arise.

7.3.2 With regard to the separation distances between the proposed blocks, I note the staggered layout of the development. However, I also note that apartments are intended to be served by balconies and that window openings serving habitable rooms would be provided along each gable of each block. The layout of the proposed development shows that separation distances between nearest balconies would be substantially below 5 metres on gables between blocks. Despite the staggered arrangement, there would be significant potential for overlooking between habitable rooms of less than 10 metre separation distances also. In my opinion, there would be a significant potential adverse impact on privacy for occupants of the

proposed development arising from the inadequacy of separation distances. This, along with the deficiency of open space, suggests that the proposed development would provide a poor standard of accommodation for residents of this scheme.

7.4 Impact on Adjoining Properties

- 7.4.1 The issue of impact on adjoining properties relates to the potential for the development to adversely affect the developability of lands to the west and the north.
- 7.4.2 A protected structure is sited on substantial grounds to the west and these lands are zoned for residential purposes. Having regard to the siting of proposed Block A, set back between 3 and 7 metres from the party boundary and to layout and design of the proposed development which would allow for significant overlooking, I would concur with the planning authority that such an arrangement has great potential to undermine the developability the adjoining lands to the west. Design revisions proposed in the submission to the Board that include obscure glazing to balconies and angled windows once again demonstrate that there is an acceptance that adverse impacts would arise from the original proposal and constitute a reactive response that would not overcome the problems of the proximity and design of Block A.
- 7.4.3 With regard to the lands to the north, it is apparent that the siting, scale, height and layout of the proposed development has significant potential to adversely affect the amenities of properties to the north. I would be particularly concerned about the siting of these relatively large blocks close to the strip of sloping land that abuts the existing stream which defines the northern site boundary. The potential for loss of vegetation, the need for clearance to provide the development and its associated services, and the requirement to provide circulation space around blocks have great potential to produce a scheme that would gravely affect properties to the north in my opinion due to the removal of existing vegetation. The details and drawings relating to tree loss and retention submitted to the Board ably demonstrate that there would be a substantial loss of trees along the southern edge of the stream bank on this site. Further to this, I note observer concerns about flooding that has occurred in this location and I would be concerned that the proposed development would potentially

exacerbate flooding at this location without substantial mitigation measures which heretofore are not provided for in the proposed scheme. I acknowledge that the site itself would be above the flood level but consider that the development of the scheme would increase the constraints of flood waters. Clearly, there would be a need for relief works, particularly downstream by the reconstruction of the culvert in the vicinity. While this may be considered to be a matter for the local authority to address, it remains, in my opinion, a likely adverse effect arising from the proposed development which would exacerbate conditions for properties to the north in isolation of necessary relief works.

7.5 The Scale and Design of the Proposed Development

7.5.1 I have already alluded to the relatively secluded nature of the proposed development due to the substantial screening that exists around the perimeter of this site and due to its comparative lowlying nature relative to properties to the south in particular. This is a site which could satisfactorily accommodate a dense development of residential units. Such development, in the interests of maximising the developability of serviced lands, could reasonably incorporate apartment development up to four stories in height, where such development manages to respect the amenities of adjoining residents and provides for a satisfactory standard of accommodation for occupiers of the scheme. From my considerations above, it is my conclusion that the proposed development fails to meet the latter necessary requirements.

7.5.2 The proposal seeks to accommodate a dense development of apartments. The applicant submits that the proposal would provide a density of 70 residential units on a 0.95 hectare site. The planning authority estimates that the density is 100 units per hectare when the access road is excluded. I note Appendix A of *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, published by the Department of the Environment, Heritage and Local Government. Measuring residential density is addressed therein. A net density measure is stated to be a more refined estimate than a gross site density measure. This would relate to the areas that would be developed for housing and directly associated uses. It would include access roads within the site, private garden spaces, car parking areas, incidental open space, and children's play areas. It would exclude significant

landscape buffer zones. It is my submission to the Board that, in relation to in the density calculation, the exclusion of the road that serves the site, as well as serving Richmond Green, Alma Park and Kenilworth housing, is appropriate. Given the nature and function of the land areas along the northern and southern edges of this site, I would consider these areas to be landscape buffer zones and should be excluded also. If so excluded in the calculation of density, it is apparent that the density of development on this site would greatly exceed 100 units per hectare. I acknowledge the location of this development in close proximity to DART and bus services in Monkstown. I further acknowledge Policy RES3 of the current Dún Laoghaire-Rathdown Development Plan which advises that, where a site is within c. 1 kilometre pedestrian catchment of a rail station and/or 500 metres of a bus priority route, that higher densities at a minimum of 50 units per hectare will be encouraged but may not be appropriate in all instances. I would question the allowance of a density of development that would greatly exceed double the minimum standard in this instance. I consider there is merit in this conclusion because it can reasonably be demonstrated (as has been done above) that the overdevelopment of the site as proposed would lead to significant adverse impacts for occupiers of the development and for the amenities of neighbouring properties.

7.5.3 With regard to architectural heritage, I do not accept that the design, form, scale and height of the proposed development would have an adverse impact on the current Monkstown Architectural Conservation Area. No such impact has been demonstrated by the planning authority. The ACA lies to the north of the site and this site, due to dense tree planting and the built environment forward of it, does not allow for the proposed development to visually or otherwise affect the character of the ACA.

7.5.4 In terms of the character of the development itself, I acknowledge the wide range of built forms that prevail in the vicinity of this site. The form and finishes of the proposed development would not undermine the character of the area or pattern of development that exists.

7.6 Traffic Impact

- 7.6.1 I note a number of observers raise concerns about potential conflict between road users and the likely traffic hazard to arise from the proposed development. I further note the conclusions of the planning authority's Transportation Planning Engineer that the proposed development would not result in significant additional traffic volumes in the context of the immediate, local or wider road network.
- 7.6.2 In considering this issue, I first note that the Transportation Planning Engineer also submitted that the trip rates adopted for the estimation of the traffic volumes generated by the proposed scheme underestimate the generated traffic volumes. I agree with this observation and consider that it is reasonable to conclude that the vehicular traffic generated by the occupation of 70 apartments is likely to be significantly greater than the volume of traffic generated by an 18-bedroom care home. Clearly, the function of Richmond Green would alter substantially as it serves a very small number of residential units at present. I accept that it is a road that is designed for vehicular movement associated with residential development and that provisions are in existence to separate pedestrians from other road users. I further understand the potential for conflict with neighbouring properties at the approach to the proposed underground car park, the potential conflict at pedestrian crossings, and constraints arising from servicing of this development. Inadequacy of car parking is also a concern as facilitating on-street parking on Richmond Green would cause significant obstruction.
- 7.6.3 It is my submission to the Board that the traffic management of Richmond Green requires the minimum provisions required by the planning authority's Transportation Planning Section to ensure traffic conflict and hazard is avoided. I am satisfied that the applicant has sought to address these issues by way of the appeal submission and consider that any outstanding issues could reasonably be addressed in consultation with the planning authority.

7.7 Appropriate Assessment Screening

- 7.7.1 I note that the nearest European sites are South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code: 000210) some 500 metres north of the site. The SPA is of ornithological importance, supporting an

internationally important population of Light-bellied Brent Goose and nationally important populations of a further nine wintering species, as well as supporting a nationally important colony of breeding Common Tern and being an internationally important passage/staging site for three tern species. The Features of Interest do not include Little Egret or Grey Heron. The SAC's features of interest are tidal mudflats and sandflats, annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, and embryonic shifting dunes.

7.7.2 I submit that 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 coastal Natura 2000 sites. The separation distance, short-term nature, and application of common construction management provisions should ensure there would be no likelihood of any impacts on the nearest conservation sites by way of demolition and construction of the new development. I know of no other developments in the vicinity of this site that would give rise to any significant cumulative impacts.

7.7.3 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 South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

8.0 Recommendation

I recommend that permission is refused in accordance with the following reason and considerations. While I note reference is made in my assessment to the impact of the proposed development on the existing Monterey Cypress and to potential flooding, I consider the recommended reason adequately addresses the principal planning concerns relating to the proposed development.

9.0 Reasons and Considerations

Having regard to the density, scale and layout of the proposed development, together with the loss of substantial screening arising from the provision of the development, the location of the proposed apartment blocks relative to adjoining dwellings, the restricted separation distances between the proposed blocks and adjoining properties, and the loss of privacy arising from overlooking, it is considered that the proposed development would seriously injure the residential amenities of adjoining properties and would depreciate the value of these properties. Furthermore, it is considered that the layout of the proposed development, culminating in the provision of substandard qualitative functional open space and significant deficiencies in separation distances between blocks that would result in loss of privacy arising from overlooking, would provide a substandard form of accommodation for future occupiers in terms of residential amenity. The proposed development would, therefore, give rise to a poor standard of development, would constitute overdevelopment of the site, and would, thus, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

3rd April 2017