



An
Bord
Pleanála

Inspector's Report PL06D.248339

Development	Demolition of storage area, toilet and office accommodation, and wall, removal of lobby, construction of new sales area, toilets, service yard, and WEEE enclosure, reconfiguration of car park, and all associated site works.
Location	Sallynoggin Road, Sallynoggin, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16A/0383
Applicant(s)	Power City Ltd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Power City Ltd
Observer(s)	None

Date of Site Inspection

6th July 2017

Inspector

Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located on the north western side of Sallynoggin Road, which runs between Glenageary Road Upper (R829), to the north east, and Rochestown Avenue (R828), to the south west. A major roundabout marks the junction between Sallynoggin Road, Glenageary Road Upper, and the R118 (Glenageary Road Lower and Sallyglen Road). Glenageary Road Lower runs north to George's Street Lower and the town centre of Dun Laoghaire, some 1.5 km to the north of the site.
- 1.2. The south western corner of the site wraps around the backs of an "L" shaped retail/commercial terrace of two storey buildings, which enclose the northern corner of the junction between Sallynoggin Road, O'Rourke Park, and Pearse Street. Opposite the site, on the south eastern side of Sallynoggin Road there is an extensive area of retail warehouses. This area is enclosed to the south west by Pearse Street, where an Aldi food store has opened in recent years. Likewise, on Sallynoggin Road, a Lidl food store has recently opened.
- 1.3. The site is of roughly regular shape and it extends over an area of 0.7468 hectares. This site is accessed off Sallynoggin Road, where it maintains a relatively narrow frontage between a row of cottages to the north east and the aforementioned retail/commercial terrace to the south west. The existing group of buildings on the site are sited in its central and northern portions. The southern portion and a strip of land along the western side of the site, opposite O'Rourke Park, are laid out to provide car parking spaces and accompanying circulation aisles. The northernmost tip of the site is a separately enclosed area that was formerly used as a coal yard. The buildings on-site are serviced by a delivery yard, which is sited beside the north eastern boundary of the site.
- 1.4. To the north east, north west and south west of the site lie the housing areas of Honey Park, Rollins Villas, and O'Rourke Park. The former two areas abut this site and their common boundaries are denoted by blockwork walls and wire mesh fencing. The latter area is on the opposite side of O'Rourke Park from the site. The site maintains a plinth and railings along its boundary with this street and the former coal yard is enclosed by means of a blockwork wall. The cottages on Honey Park have been augmented by 3 two storey dwelling houses, which have been built in recent years and sited adjacent to the north eastern corner of the site.

2.0 Proposed Development

- 2.1. The proposal would entail the partial redevelopment of the site to replace an existing storage building, part of another such building, which is in use as ancillary accommodation for staff toilets, a canteen, and offices, and the service yard with a new retail building. The existing retail building and the remaining storage buildings would be reassigned for storage use, which would be accessed by a new service yard that would be formed from the former coal yard. This yard would include a WEEE enclosure.
- 2.2. The floorspace of the existing and proposed retail buildings would be effectively unchanged at 1058 sqm and 1054 sqm, respectfully. The floor to ceiling height would, however, increase from 3.39m to 5m. The floorspace of the existing and proposed storage buildings would increase by 406.50 sqm (c. 27%), from 1480.50 sqm to 1887 sqm.
- 2.3. The car parking area to the front of the site would be reconfigured to include a more defined on-site access road, mobility impaired and parent and child spaces close to the new entrance lobby, soft landscaping, bicycle stands, motorbike parking, and rearranged car parking spaces. The existing totem sign would be retained in its position adjacent to the site entrance and new signage would be installed above the entrance lobby.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of clarification of further information and on the advice of Surface Water Drainage, the Planning Authority refused the proposal for the following reason:

The proposed development does not include a suitable Surface Water Drainage Design in accordance with Policy EI8: "Sustainable Drainage Systems", 2016 – 2022 Dun Laoghaire-Rathdown County Development Plan. Furthermore, a green roof or an alternative solution has not been incorporated as part of the proposed development in accordance with Section 8.2.9.7 of the 2016 – 2022 Dun Laoghaire-Rathdown County Development Plan, which relates to Dun Laoghaire-Rathdown County Council's

“Green Roofs Guidance Document” (2014), and the general provision of Sustainable Drainage Systems measures. The proposed development, therefore, contravenes the 2016 – 2022 Dun Laoghaire-Rathdown County Development Plan, would be prejudicial to public health, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A considerable number of matters were raised with the applicant under requests for further information and clarification of that information. The majority of these matters were either satisfactorily addressed or could have been conditioned. However, one matter proved insurmountable (cf. reason for refusal).

3.2.2. Other Technical Reports

- Surface Water Drainage: Following receipt of clarification of further information, refusal request (see reason for refusal).
- Parks and Landscape Services: Further information requested, no comment on the same forthcoming.
- Transportation Planning: Following receipt of clarification of further information, no objection, subject to conditions.
- Area Engineer: Conditions requested re construction waste management.

3.3. Prescribed Bodies

- Irish Water: No objection – observations including one advising that the existing internal water main be replaced.

3.4. Third Party Observations

At the application stage, the residents of the dwelling houses at No. 1 Honey Park and No. 29 O’Rourke Park cited a number of concerns which were raised with the applicant under requests for further information and clarification of that information.

4.0 Planning History

- D02A/1202: Split decision at appeal PL06D.202361: Replacement of high level chain link and barbed wire fence with palisade fence on northern boundary – Permitted, and pedestrian and vehicular gates and fencing on southern boundary – Refused on the grounds of visual amenity.
- D06A/1628: Phased retail/residential development – Refused at appeal PL06D.228372 on the grounds of visual and residential amenity.
- D08A/0585: Alterations to existing car park – Permitted.
- PAC/534/15: Pre-application consultations occurred on 16th March and 15th April 2015.

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the majority of the site is shown as being subject to Zoning Objective NC, “To protect, provide for and/or improve mixed-use neighbourhood centre facilities”, while the northernmost portion of the site (the former coal yard) is subject to Zoning Objective A, “To protect and/or improve residential amenity.” Retail warehousing is neither a permissible nor an open for consideration use under these Zoning Objectives. Section 8.3.8 addresses non-conforming uses.

5.2. Natural Heritage Designations

n/a

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by outlining how the existing surface water drainage system is connected directly to the public surface water sewer. In the absence of the current

proposal, this would continue. As this proposal would be largely a refurbishment project, no appreciable change in surface water run-off would arise and yet the applicant proposes to improve the handling of on-site surface water drainage, thereby reducing pressure on the public system. Nevertheless, the Planning Authority oppose this proposal.

The applicant's engineer has commented further as follows:

- At the pre-application stage the constraints pertaining to the site were outlined to the County Council's Surface Water Drainage Section, i.e. the flat nature of the site, the proximity of the public surface water sewer, and the set level of the existing outfall pipe. Consequently, the scope for any underground storage provision is very limited.
- The aforementioned Section acknowledged the said constraints and so a list of 9 alternative SuDS options were explored. The applicant selected two, i.e. depressed planter areas and 450 mm of crushed rock storage under paved areas, for incorporation in the proposal. These options would address source and site/regional controls.
- Given the pre-application contact, the applicant was surprised to receive the further information and clarification of further information requests from the Planning Authority. These requests insist upon attenuation measures which would be either not buildable or not practicable.
- Attention is drawn to the Greater Dublin Strategic Drainage Study (GDSDS) and in particular to the following paragraph:

New developments can take place in greenfield or brownfield locations. In theory design criteria need not be any different between these two situations. However, in practice, the precedent of existing high run-off rates from a previously developed site and the political and environmental value of re-using urban areas, often results in more liberal criteria being applied to these sites.

The site is a good example of one wherein the application of a "more liberal criteria" would be appropriate.

- The need for a green roof is challenged on the basis that, whereas the proposal would entail a slight extension in roof area, this extension would be

over an existing paved yard. The main impetus for such a roof is to provide water retention capacity and yet the proposal would incorporate other measures that would achieve this objective. Additionally, the cost of such a roof would be prohibitively expensive.

- The proposal would comprise the following SuDS measures:
 - Hard surfaces would intercept rainfall and provide an opportunity for it to drain to the ground.
 - Specifically, rainwater would run-off the on-site roadways into permeably paved car parking spaces. Between this paving and the sub-soil, stone and a permeable membrane would be laid to facilitate infiltration into the ground. When the ground is saturated, any excess run-off would be intercepted by a perforated pipework system, which would be laid in the stone. This system would serve planters, which in turn would be served by overflows to the on-site surface water drainage system that is connected to the public surface water sewer.
 - The concrete yard would be drained in a similar manner.
 - A petrol interceptor would be installed for the first time just prior to the outfall to the public surface water sewer.
 - Of the c. 7400 sqm of the site, c. 4400 sqm would be subject to SuDS measures for the first time and all of this area would be drained via the aforementioned petrol interceptor.

6.2. Planning Authority Response

The Planning Authority reviews the submitted application and the further information and clarification of further information stages which it went through. The quote from GSDSDS cited by the applicant is augmented below by the paragraph which follows this quote (Section 6.3.3.5 entitled “Greenfield Developments and Infill Developments”) and which reads as follows:

The contrary argument to this is that in locations where the urban drainage systems are particularly taxed (as would be demonstrated by frequent flooding or high spill frequencies from CSO's on combined systems), then onerous criteria will need to be

applied to prevent existing levels of service reducing further. The choice of appropriate design criteria is a matter for the local authority to consider in the light of the current situation and flood risk downstream.

The Authority considers that significant improvement upon the existing surface water drainage system on the site is both achievable and required (cf. Section 8.2.10.4(ii) of the CDP and Item 2(1) of Box 5.1 of The Planning System and Flood Risk Management Guidelines (PSFRM)).

Section 3.2 of the submitted Engineering Assessment of the proposal states that “Infiltration tests were carried out on site and no infiltration is available.”

The nine options include that of a green roof. While this option is not a pre-requisite, in circumstances such as that which pertain on the subject site where alternative options would have limited effect, it is applicable.

The Planning Authority responds to the applicant’s grounds of appeal as follows:

- Under the GDSDS, the provision of SuDS measures to the satisfaction of the relevant local council is obligatory upon applicants.
- The Surface Water Drainage Section acknowledges the constraints pertaining to the site and it has made SuDS suggestions that would not be wholly dependent upon the specification of a green roof, e.g. the incorporation of concrete attenuation tanks under car parking areas would be possible, in conjunction with changes to the existing on-site surface water drainage system.
- The said Section critiques the proposed surface water drainage system as follows:
 - It would be difficult to construct and seal, due to its elongated and fragmented shape and the multiple other service installations that would be inserted into the stone layer.
 - It would be prone to blockages, which would not be susceptible to being cleared.
 - It may be at risk of buoyancy in the presence of a high water table.
 - It would not provide for interception storage.

- Green roofs provide benefits beyond the one cited, e.g. interception storage, which would be of particular value on the site, given the acknowledged absence of ground infiltration.
- The Planning Authority concludes by emphasising the importance of achieving adequate attenuation storage in the site, due to the fact that it discharges into a public system which is at capacity and so liable to flood during heavy rainfall in the vicinity of the site. Existing un-attenuated discharges into this system from this site are a significant contributor to its present “at capacity” status.

6.3. Observations

None

6.4. Further Responses

The applicant has responded to the Planning Authority’s response, as follows:

- The benefits of the proposed SuDS measures are reiterated to make clear that the proposal would improve the existing conditions that pertain to the site at present, wherein no such measures are in place, i.e. the rate of water run-off would be reduced and water quality would be improved.
- The Planning Authority’s contentions that pipe sizes could be rationalised and an attenuation tank could be installed are challenged. Thus, the cover of pipes at depths of 330 and 480 mm would militate against their rationalisation and the provision of an adequately sized tank would be constrained by the outfall level, the available plan area, and the need to provide a cover slab of at least 200 mm depth.
- The Planning Authority’s critique is responded to by a commentary on each of the 9 suggested SuDS options, which explains why some were selected and some were not for inclusion in the current proposal.

7.0 Assessment

I have reviewed the proposal in the light of the CDP, national planning guidelines and advice, relevant planning history, and the submissions of the parties.

Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Amenity,
- (iii) Traffic, access, and parking,
- (iv) Water, and
- (v) AA.

(i) Land use

1.1 The proposal is for the partial redevelopment of the applicant's existing site, which is in use for retail warehousing and would continue to be so used. The retail floorspace, as distinct from storage space, would remain constant under this proposal.

1.2 Under the CDP, the majority of the site is subject to Zoning Objective NC, "To protect, provide for and/or improve mixed-use neighbourhood centre facilities." The remainder of the site comprised in the former coal yard is subject to Zoning Objective A, "To protect and/or improve residential amenity." Retail warehousing as a use is neither permitted in principle nor open for consideration under these Zoning Objectives. Thus, retail warehousing is a non-conforming use.

1.3 Section 8.3.8 of the CDP discusses non-conforming uses. This Section advises that "When extensions to, or improvements of, premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area."

1.4 The case planner reports that the retail warehousing use has been existence for c. 30 years and the planning history of the site indicates that the former coal yard has been comprised within this site since at least 2008. During my site visit, I

observed that this cleared portion of the site is used as an overflow car park, although I am not aware of any formal planning permission for the same.

1.5 In the light of the nature of the current proposal, which is for partial redevelopment only, I consider that the provisions of Section 8.3.8 are relevant. Given the longstanding and established nature of the retail warehousing use on the site and the incidence of similar uses on the opposite side of Sallynoggin Road, I do not consider that any recognisable planning objective would be furthered by raising objection to the continuation of retail warehousing on the site. Likewise, the size and proximity of the former coal yard to the existing premises is such that it would not lend itself to a particularly attractive form of residential redevelopment. Furthermore, the inclusion of this former yard within the site would facilitate the desirable objective of separating out areas for the manoeuvre of delivery/service vehicles from those parts of the overall site that are accessible to customers. Such vehicles would be in attendance on a low frequency basis and so the yard would be compatible with the residential amenities of the surrounding area of Rollins Villas and O'Rourke Park.

1.6 I conclude that, while retail warehousing on the site is a non-conforming use, the continuation of this use as proposed would accord with the provisions of Section 8.3.8 of the CDP, which are relevant in this instance.

(ii) Amenity

2.1 The proposal would entail the replacement of all of one and part of another warehouse on the site and the building over of the existing "L" shaped service yard beside and between these warehouses to provide a new retail building. The proposal would also entail the reorganisation of the interior of the retained buildings to facilitate a more open plan warehouse format.

2.2 The principal elevation of the new retail building would be higher than the elevation which it would replace and it would be more clearly visible from Sallynoggin Road than the existing equivalent retail elevation. Thus, the parapet height of this building would be c. 7.175m and it would rise to c. 8.475m over the entrance lobby. As originally proposed, the former parapet height would have been returned along the north eastern side elevation. However, under further

information, this parapet was reduced in height to c. 5.950m. The existing eaves height along this elevation, which would in part be retained, is c. 4.455m.

- 2.3 The introduction of the aforementioned taller building would be on the far side of the site from O'Rourke Park and at some considerable remove from Rollins Villas. Thus, I do not consider that it would have any appreciable affect upon the amenities of housing on these streets. This building would be sited in a position adjacent to the north eastern boundary of the site with the residential cul-de-sac at Honey Park. This cul-de-sac is composed of cottages dating from 1926, which have long rear gardens. Thus, the separation distances between these cottages and the building in question would serve to mitigate the impact of the new building upon their amenities.
- 2.4 At the end of the Honey Park, three new dwelling houses have recently been constructed in positions adjacent to the said boundary, i.e. a pair of semi-detached dwelling houses numbered 18A and 18B and a detached dwelling house numbered 18C. The rear elevations of Nos. 18A and 18B are orientated towards the existing warehouse, albeit in a slightly offset manner. Thus, at present the separation distance between them would be between 11 and 14m. Their eaves and that of the existing warehouse virtually coincide in height. Under the proposal, the height of the new parapet would exceed that of the existing eaves by 1.495m. This increase would correspond more directly to No. 18A, the dwelling house with the slightly greater of the two separation distances.
- 2.5 During my site visit, I observed the existing relationship between the rear elevations in question and the existing warehouse. The amenity afforded to these elevations and their accompanying rear gardens is constrained at present by the presence of the existing warehouse. Under the current proposal, such constraint would increase, although in my view not unduly, given the existing base line. I, therefore, do not propose to object to this proposal on the grounds of amenity.
- 2.6 I conclude that the proposal would enhance the visual amenities of the area and it would be compatible with the residential amenities of this area.

(iii) Traffic, access, and parking

- 3.1 Under the proposal, vehicular access to the site would be by means of the existing entrance on Sallynoggin Road. Pedestrian access would be from this Road, too, albeit it would be reorganised to accompany the on-site access road and it would also be from O'Rourke Park.
- 3.2 At present, delivery/service vehicles in attendance at the site are required to undertake reversing manoeuvres into the service yard that lies beside the north eastern boundary of the site. These manoeuvres occur on the on-site access road and so they potentially conflict with customer car movements. Under the proposal, the opportunity would be realised to separate out such manoeuvres from the publically accessible portions of the site, by the development of the former coal yard as a new dedicated service yard. The on-site access road would be laid out anew to a higher specification to facilitate the movement of delivery/service vehicles through the site to this former coal yard.
- 3.3 As originally submitted, the proposal would have entailed the reduction in the number of on-site car parking spaces by 3 from 74 to 71, including 4 mobility impaired spaces. Five cycle stands were also proposed. Following receipt of further information, in which 4 parent and child spaces, 3 motorbike spaces, and increased provision for safe pedestrian were added-in, this number was reduced further to 68.
- 3.4 Under CDP car parking standards, each 50 sqm of gross floorspace should be served by 1 car parking space. The proposal would have a gross floorspace of 2941 sqm and so 59 spaces should be provided. Thus, under this proposal, this standard would be exceeded.
- 3.5 The site is served by public transport. Thus, Sallynoggin Road is used by a number of Dublin Bus routes and, at either end of this Road, the CDP shows Glenageary Road Upper and Rochestown Avenue as proposed quality bus/bus priority routes.
- 3.6 I conclude that the traffic, access, and parking aspects of the proposal would be satisfactory.

(iv) Water

4.1 The applicant has submitted an Engineering Assessment Report, which comments on matters to do with water. This Report concludes that the site, which is served at present by the public water mains and sewerage system, would, following its partial redevelopment, generate only a minimal increase in demand upon these services.

4.2 The applicant has also submitted a Flood Risk Assessment of the site. This Assessment acknowledges the two flood events recorded by the OPW on its floodmaps website. These events occurred to the north west of the site on O'Rourke Park.

- The first, on 21st October 2002, entailed the lifting of manholes at the roundabout adjacent to the site on O'Rourke Park. An accompanying note states that "All of the rivers and streams were flowing at full capacity", including therefore the Monkstown Stream to the north of O'Rourke Park. The cause of this flood could thus have been pluvial or, if the Stream and the public storm water sewer are connected and water was backing up from the former to the latter, fluvial, or a combination of the two.
- The second, on 24th October 2011, entailed the flooding of 10 residential properties on O'Rourke Park in the vicinity of the said roundabout. This flood resulted from the overtopping of the Monkstown Stream and so it had a fluvial cause.

4.3 The OPW's draft PFRA (figure no. 2019/MAP/239/A) identifies pluvial flooding (1% AEP), indicatively, on O'Rourke Park in the vicinity of the site and the CDP's SFRA shows the same location as a flood risk hot spot. The County Council's Surface Water Drainage Section reports that the public storm water sewerage system is "at capacity" in O'Rourke Park and the site is a significant contributor to the same. As the site is not presently the subject of any SuDS measures, this Section considers that the current proposal provides an opportunity to address this deficiency and thus to ease the pressure on this sewerage system. Thus, while the flooding history of the area does not indicate that the site *per se* is at risk, the current surface water drainage arrangements for the site are heightening the risk of off-site flooding.

4.4 Policy EI8 of the CDP states that “It is Council policy to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).” The accompanying commentary adds that “Development will only be permitted where the Council is satisfied that suitable measures have been considered that balance the impact of drainage through the achievement of control of run-off quantity and quality...”

4.5 The applicant proposes to introduce SuDS measures to the site in the form of 450 mm of crushed rock storage under paved areas and depressed planter areas, i.e. two of the possible nine options set out in the GSDS.

- Thus, the on-site access road would drain to adjoining paved car parking spaces under which the said rock storage would be inserted. This storage would be laid on a membrane and a perforated pipe network would be routed through it for the collection of rain water. The applicant has variously described this membrane as being permeable and impermeable. In its Engineering Assessment Report the underlying ground conditions were stated as having been investigated and no infiltration was found to be available. Thus, whether the membrane is permeable or impermeable would be a matter of indifference: no infiltration would occur and so the rock storage would serve to simply slow the run-off of surface water from the site. The perforated pipe network would form part of the on-site surface water drainage system.
- The depressed planter areas would be sited in the car park and they would be planted out with trees. Rain water within these areas would water these trees. The overflow from these areas would be routed into the on-site surface water drainage system.

The on-site surface water drainage system would discharge to the public storm water sewer in O'Rourke Park via a new by-pass petrol interceptor. Thus, a reduction in the rate of flow of surface water run-off from the site would be achieved by virtue of the crushed rock storage, a slight reduction in the volume of surface water run-off would be achieved by virtue of the trees in the depressed planter areas, and the quality of run-off would be improved.

- 4.6 The Planning Authority has critiqued the efficacy of these measures, insofar as it would be difficult to construct/seal the crushed rock storage layer across the site in the presence of other services in the ground, the perforated pipes would be prone to blockages, there may be a risk of buoyancy (as the reported absence of infiltration in the underlying ground condition may indicate a high water table), and interception storage would not be available.
- 4.7 The Planning Authority requested, under further information and clarification of such information, that the applicant submit an alternative attenuation proposal that would be capable of being operated in a controlled manner, would be maintainable, and would facilitate the removal of sediment build-up, e.g. the site could be divided into catchments, each of which could be served by concrete tanks/box culverts. It also cited Appendix 16 of the CDP, entitled “Green Roofs Guidance Document” and the resulting requirement that the applicant specify a green roof, as a means of ensuring the achievement of some infiltration and the further attenuation of surface water run-off. Under this Appendix, retail developments with roof areas in excess of 300 sqm are required to have green roofs, unless the Council’s Surface Water Drainage Section considers that exemption is appropriate due to the specification of other SuDS measures. The new retail building would have a floorspace and corresponding roof space of 1054 sqm and so it would be a candidate for a green roof. Clearly, the said Section does not consider that exemption is justified in this case.
- 4.8 The applicant responded to these requests by drawing attention to the practical difficulty of installing the said tanks/culverts to any meaningful volume, due to the shallowness of the connection point to the public storm water sewer in O’Rourke Park. It also draws attention to the limited nature of the overall proposal and so the specification of a green roof is deemed to be both unwarranted and prohibitively expensive.
- 4.9 The Planning Authority’s draft reason for refusal encapsulates its disagreement with the applicant’s stated position.
- 4.10 I consider that, as the proposal would entail the partial redevelopment of the site and its reorganisation, the requirement that SuDS measures be installed arises and this requirement is underscored by the identified flood risk that exists

immediately off-site. The advice set out in the entirety of Section 6.3.3.5 of the GDSDS is thus relevant and so a more onerous rather than a lenient approach to the issue of surface water run-off is appropriate.

- 4.11 The applicant's proposal would entail the provision of SuDS measures that would improve the situation that pertains at present on-site. However, their efficacy, in practise, has been critiqued by the Planning Authority without any persuasive rebuttal from the applicant. Even if these measures were to perform as intended, they would fall short of providing any significant reduction in the volume of surface water run-off from the site and the rate of such run-off would be uncertain.
- 4.12 The Planning Authority has suggested alternative SuDS measures that it considers would be more efficacious. The applicant has responded by dismissing the feasibility of underground attenuation measures. However, the possibility of a green roof over the new retail building has been dismissed on cost grounds alone, grounds which are not a material planning consideration, and the further possibility of an over ground attenuation tank above the proposed staff facilities has been dismissed as being "impractical" without further explanation.
- 4.13 I, therefore, conclude that the applicant has failed to demonstrate that the proposed SuDS measures would be capable of performing satisfactorily, in their own terms, and it has failed to propose measures that would be commensurate with the need to ensure that surface water run-off from the site would be significantly attenuated in order to appreciably ease pressure on the flood prone public storm water sewer in O'Rourke Park.

(v) AA

- 5.1 The proposal is neither in or near to a Natura 2000 site. The site is a fully serviced urban one. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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.

8.0 Recommendation

That the proposal be refused.

9.0 Reasons and Considerations

Having regard to Policy EI8, Section 8.2.9.7, and Appendix 16 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the advice set out in Section 6.3.3.6 of the Greater Dublin Strategic Drainage Study entitled “Greenfield Developments and Infill Developments”, the Board considers that the applicant has failed to demonstrate that the proposed Sustainable Urban Drainage System measures for the site would be capable of performing satisfactorily, in their own terms, and it has failed to propose measures that would be commensurate with the need to ensure that surface water run-off from the site would be significantly attenuated in order to appreciably ease pressure on the public storm water sewer in O’Rourke Park, which is recognised as being at risk of flooding. Accordingly, the proposal would contravene Policy EI8 of the Development Plan and, as such, it would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

13th July 2017