



An
Bord
Pleanála

Inspector's Report
PL06F.249346

Development	21 Houses (revised to 22), new roads to connect to Dunsoghly Grove and Green; site works
Location	South of Dunsoghly Green and Grove, Ratoath Road, Finglas, Dublin 11
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW17A/0067
Applicant(s)	Greenwich Projects Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Greenwich Projects Limited
Observer(s)	None
Date of Site Inspection	8 th February 2018
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site has a stated area of .58ha and is located off Ratoath Road about 3kms west of Finglas village but within the M50 in north County Dublin. Dunsink Lane is to the south. The intervening land south, west and east of the site and on the north side of Dunsink Lane is largely council owned land – a substantial part of which is under EPA licence and is proposed to become a regional park. The southern part of the council land includes residential halting sites accessed from Dunsink Lane. The licenced site is undergoing gas extraction for the purpose of energy supply. Gas monitoring points extend throughout the council lands and close to the development site. The land ownership and gas monitoring points are mapped on page 5 of the Gas Risk Assessment Report submitted as part of further information. (Pink tab on file)
- 1.2. The subject development site is irregular in shape and adjoins the southern boundary of the Dunsoghly estate over a distance of about 120m and is otherwise surrounded by council owned open space. The site does not adjoin the licensed infill site however the Risk Assessment report refers to intervening lands as infill. An amenity space to the west of Dunsoghly Green is overlooked by the houses along the east side Dunsoghly Green. This open space is about a hectare and provides a small all-weather type football pitch in the middle and grassed open areas at both ends and serves the existing development – it is enclosed by stout fencing to the south where it borders public land and then within the estate by a low fence and gate. Beyond this public open space to the west and south west is the lands of the Dunsink landfill which is being managed by Fingal County Council. There is a further green area within the Dunsoghly development along its boundary with Ratoath Road.
- 1.3. The site is largely cleared with sparse scrub growth over compacted hardcore. (The Appropriate Assessment report refers to there being previously demolished buildings.) A public sewer traverses the site which likely explains the relatively clear ground and this continues through the adjacent ground to the east over a distance of about 60m to the public road – there is a gate at this point as was viewed from the road at a point adjacent to the Dunsoghly estate which appears to provide current access. There is another bouldered opening into the council land further south along the Ratoath Road.

- 1.4. Access to the site is proposed through the Dunsoghly housing development which comprises a mix of detached and terraces of four two storey houses with front and rear gardens with a single front garden space parking. Access to the application site is from Ratoath Road, along Dunsoghly Avenue and then through Dunsoghly Grove and Green
- 1.5. The site is fairly level at around 61m OD. Land ranges from a level of 61.5m to 60.5m OD. The adjoining land to the south west drops steeply to about 57m at a point where there is a drain- Dunsoghly Stream which feeds Scribblestown Stream which in turn feeds the Tolka River at about 800m downstream to the south
- 1.6. The gable of the houses on both sides of Dunsoghly Grove and the east side of Dunsoghly Green 'front' the site.

2.0 Proposed Development

- 2.1. The proposed development as submitted in further information to the planning authority comprises the erection of 22 houses revised from 21 houses, new roads and associated works at Dunsoghly, Ratoath Road, Finglas, Dublin 11. Access is proposed by continuing the existing cul-de-sac roads from Dunsoghly Green and Dunsoghly Grove.
- 2.2. In the initial layout the format was fairly regimented. The houses are mostly three bed terraces and semi-detached with a few two-bed and have floor areas ranging for 88sq.m. to 114 sq.m. as clarified in the additional information. Internally the houses are quite similar and notably feature internal downstairs bathroom and store room (accessed off the living room) between the living and kitchen/dining.
- 2.3. Density is almost 38 units per hectare.
- 2.4. The application is accompanied by
 - Engineering Services report
 - Screening for AA
 - Planning Report
- 2.5. As part of the revised plans submitted as further information the following documents are attached:
 - R. Mac Diarmada Landscape Plan and Specification (2017-1334-01, 02, 03)

- NRB Traffic Consultant's Letter and Drawings (NRB-RFI-ATR-100-107)
- AKM Architectural Drawings
- AKM Engineering Drawings and Letter form Brian McCormack (drainage) 16265-2002, 3002, 3004
- Marron Environmental Report
- AKM Construction Management Plan

2.6. As part of the grounds of appeal a revised set of layout drawings are submitted with a total of 19 houses, increased open space and detailed autotrack analysis.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The planning authority decided to refuse permission for three reasons:

- The proposed layout of development incorporating a foul sewer to the front and rear gardens and in close proximity to proposed houses does not meet the necessary minimum requirement from Irish Water with regard to set back from an existing foul sewer and associated wayleave that runs across the northern portion of the site. It is therefore considered that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
- The proposed layout does not provide for any public open space and as such does not comply with objectives DMS57 DMS57A, DMS57B of the Fingal Development Plan 2017-2023. The substandard layout arrangement arising from the lack of public open space in particular would be contrary to the Fingal Development Plan 2017-2023 and contrary to the proper planning and development of the area.
- Having regard to the extensive redesign and orientation of the layout that would be required to accommodate the public sewer and associated wayleave and the necessary provision of open space, the development as proposed would be prejudicial to public health, would not afford the residents with an appropriate level or standard of amenity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The report sets out the regulatory context detailed history and also has regard to the detailed technical reports and submissions. The density at 36units/hectare [this is based on 21 units] is consistent with that for the area 35-50 and the plot ratio of .4 is also consistent with that for the location (.35-5). While the development is generally consistent with the existing development there are issues of concern regarding the relationship between the existing and proposed developments. In terms of internal house layouts, while the development plan minimum floor area standards for a 92 sq. are all exceeded in the proposed new house of 110 sq.m. the storage area at 3.9 sq.m. falls below the 5sq.m. guide and the second double room is 2.6m max width as opposed to 2.8m.
- 3.2.2. The public open space requirement is 0.18 hectares and this is not provided.
- 3.2.3. Initially the applicant was requested to provide further information as follows;
- Revised layout addressing overbearing and overshadowing impact
 - More appropriate streetscape,
 - Revised plans demonstrating compliance with DMS24 with tables specifically addressing bedroom size and storage space.
 - Revised plans addressing deficiency in open space provision
 - Details concerning proposed surface water drainage and foul sewer (existing and proposed)
 - Details of Car parking and access
 - Details of Transitional treatment between existing and proposed roads
 - A written Risk Assessment Report regarding human health
 - Revised layout and Landscape addressing improved termination of proposed roads
 - Details of Public Realm Plan
 - Provision of street trees having regard to feasibility and utilities
- 3.2.4. Subsequent to the submission of the further information revised public notices were sought and submitted.

- 3.2.5. A revised layout was submitted and which incorporates a hammerhead turning area, a gentler curved road alignment a new set back of 6.765m from the existing no.11 Dunsoghly Grove and 10.58 from no 8 Dunsoghly Grove and 2.915 metres from 15 Dunsoghly Green
- 3.2.6. Houses range from 88 to 114 sq.m. and comply with minimum standards
- 3.2.7. Landscaping: A masterplan is provided and includes street tree planting among other proposals. The existing estate has 11600 sq.m. of open space and the concurrent proposal has 1991 sq.m. which when combined is considered by the applicant to be in compliance with development plan standards as it equates to over 18.5% of the Dunsoghly estate. A regional park will also serve the development in the near future.
- 3.2.8. Following consultation with the drainage division engineers more details are submitted. Revised drawings have been submitted and show 3m set back from the foul sewer.
- 3.2.9. Traffic: Traffic Consultants have analysed parking and access using sweep path analysis. Transitional areas, traffic calming to the eastern cul-de-sac and use of traffic table. Taking in charge and construction access are also addressed. Additional drawings have been submitted in this regard.
- 3.2.10. A Risk Assessment Environmental Report has been submitted and concludes there will be no impact from the landfill site. Mitigation measures are proposed as precaution to protection the leachate lagoon and monitoring locations
- 3.2.11. Road Layout: The layout incorporates revisions to the road layout /alignment.

4.0 Other Technical Reports:

- 4.1. **Water Services section** of the Planning authority
 - 4.1.1. **Report of 25/5/17:** considered information insufficient and required more detail on surface water demonstration adequate attenuation storage is available. The applicant also requests to investigate the possibility of discharging to the north. Standard control conditions also apply
 - 4.1.2. **Report of 15/8/17:** clarification of additional information re surface water and run-off calculations, disposal of roof run-off and revised attenuation

4.2. **Irish Water**

- 4.2.1. **Report of 31/5/17:** recommended further information in relation to the foul sewer within the site and the requirement for its precise location and that the layout provide for its location in open space and with 3m set back from buildings/foundations/structures. Standard conditions are also attached
- 4.2.2. **There is no report on file on the further information.** However, Irish water was satisfied with the concurrent proposal as revised subject to conditions.

4.3. **Environment and Water Services Department**

- 4.3.1. **Report of 7/6/17:** requested a risk assessment report in relation to the environment and human health arising from the possibility of pathways and gas migration from the former Dunsink landfill site.
- 4.3.2. There is no report on the further information submitted. However, in the concurrent case a second report dated 4th August 2017 stated no objection subject to compliance and in particular to the measures set out in the 'Landfill Gas Assessment' report received by the planning authority on 21st July 2017

4.4. **Parks Section**

- 4.4.1. **Report of 7/6/17:** The proposed development is not acceptable; Open space requirement for this area is 0.18 and this has not been provided. The existing open space for Dunsoghly estate relates directly to existing units and should not be considered as part of the open space provision for the proposed development. Street trees are identified as an element for which serious consideration should be given subject to certain planting and root provision
- 4.5. **Report of 14/8/17:**

- Lack of open space provision is contrary to the Development Plan requirements.
- A residual strip of ground which cannot be developed/planted with trees due to sewer would not be suitable for taking in charge due to size and location.
- The parkland rails should be mounted on a plinth wall.
- More details needed regarding street trees and lamp standards.

4.6. **Transport Planning**

4.6.1. **Report of 9/6/17:** sought additional information in relation to accessibility of the parking areas with respect to boundary treatment and trees while ensuring that two spaces are available to all houses, details of the transition space between existing and proposed housing development, feasibility of access of last units in cul-de-sac by way of a revised layout with swept path analysis and reduction of units if necessary, a traffic calming layout, construction details and a taking in charge drawing.

4.6.2. **Report of 22/8/17:** queries the multitrack analysis on basis of vehicle lengths used. Perhaps too short. Also Details Queries accuracy of drawings with respect to layout and cross section details corresponding, traffic calming, alignment/drainage. Details need to be agreed. No objection subject to conditions some of which may involve a revised layout.

4.7. **TII:** No observations

4.8. **Objections**

4.8.1. A group submission refers to health and safety with extra traffic and inadequacy of open space. This is appended with a letter from Dublin Fire Brigade highlighting the obstruction caused by badly parked cars and states that 'further development in the area needs a proper traffic management plan. More precisely the issues relate to:

- Introduction of through traffic to a small cul-de-sac and through an established development.
- Roads not wide enough – too many cars parked on roads, additional traffic generated by the development and construction traffic an issue in respect of safety of children and access
- Service vehicles have difficulty
- Not enough greenspace in area for an amenity
- Construction works – rodents
- Shouldn't be allowed next to landfill
- Design not in keeping
- Drainage and sewerage problems

- Surface water/flooding issues particular with all hard surfaces/parking, it is submitted in that the current surface water sew is only a temporary measure pending upgrading on Ratoath Road
- No evidence of compliance with parking requirements
- Loss of boundary walls /enclosure and security
- Smell – gas emission
- Following further information objections to the opening of the cull-de-sac

5.0 Planning History

The planning reports on file list a significant number of applications in the vicinity of this site. Many were refused when the land was previously zoned 'H – Green Belt'.

There is another current appeal case **PL06F.249191** before the Board which relates to 71 residential units on a larger site and also accessed through Dunsoghly.

6.0 Policy Context

6.1. Development Plan

The Fingal County Development Plan 2017 to 2023 is the relevant county development plan for the area. The site is governed by the objective to provide for residential development and protect and improve residential amenity.

Objective DMS24 requires that houses meet the floor areas, room size and storage areas set out in Table 12.1, that apartments meet the standards set out in Table 12.2, and that houses and apartments meet the standards set out in Table 12.3.

Objective DMS29 requires that a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

Objective DMS57 requires a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS57A requires a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/ amenity facilities is not achievable. This is subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5.

Objective DMS57B requires a minimum 10% of a proposed development site area be designated for use as public open space.

The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5.

Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

6.2. Natural Heritage Designations

See AA screening section below.

7.0 The Appeal

7.1. Grounds of Appeal

- The residential use is in keeping with the zoning and the site with the other concurrent application comprises the last remaining zoned lands in the area. Open space to the west is zoned open space and is to be developed as a regional park.
- Density is in keeping with character of area. As an infill/inner suburban where the density of 35-50 appropriate, the proposed density (32/hectare) is at the lower end and is in keeping with character of the area.
- The planning authority is considered to be overly rigid in its approach. 0.18 hectares is excessive as there is existing open space.
- The amended layout addresses open space and traffic calming and is the optimal design solution.
- The new areas of open space allow for a wayleave to Irish Water standards.
- The design is a logical extension to existing.
- It will not give rise to overlooking or overshadowing. No adverse impact on adjoining properties. The proposal enhances residential amenity
- The applicant made numerous efforts to have a pre-planning application meeting but this was not possible due to staffing constraints.

7.2. Planning Authority Response

- 7.2.1. The revised layout submitted with the grounds of appeal and which reduces the house numbers to 19 is acknowledged as an improvement in terms of open space enhancement but there are still outstanding issues regarding open space and its surveillance. It is acknowledged that the open space along the foul sewer route is a good location for open space in this site, however, a pedestrian linkage through to Dunsoghly Grove is recommended, although it would appear that the planning authority has confused Grove with Green as it is directly south of the Dunsoghly

Green where the 5 houses are proposed. This revision is acknowledged to require a reduction in trees but this together with redesigning of house elevations could provide surveillance. Details for agreement by way of condition are considered an acceptable mechanism to address these matters.

7.3. **Observations** - None

7.4. **Further Responses** - None

8.0 **Assessment**

8.1. **Principle of development and issues arising**

- 8.1.1. The development objective for the site is to provide for residential development in the current County Development Plan and accordingly, new housing is acceptable in principle. The site is well serviced by larger scaled public services and amenities. To the north of the intervening existing estate there are a number of community facilities such as a school and hospital and to the south the open space is the planned location for a regional park. A bus service operates along Ratoath Road which is about 250m by footpath from the site. Notwithstanding the acceptability of housing development in principle, there are issues in relation to layout and quality of development which I have assessed by reference to the Department guidance in its published document, Best Practice Urban Design Manual (May 2009). Furthermore, having regard to the third party submissions on file there are issues in relation to access, amenity and safety of existing residents.

8.2. **Layout and density**

- 8.2.1. The overriding concern of the planning authority in terms of layout relates to the deficiency of open space, both qualitatively and quantitatively.

Open space:

- 8.2.2. There are two areas within the existing estate, one an open green surrounded on two sides by housing with direct frontage and enclosed by fencing and walls from the wider parkland for security reasons, the second is by the estate entrance between

the housing and the public road, providing a pleasant visual settling. The larger enclosed area fronted by Dunsoghly Green would be directly accessible to five of the proposed houses but at a remove from the remaining houses without a pedestrian link. This green is likely to be attractive to users and this would come under pressure particularly if the other housing development was developed without open space. In terms of the immediate facilities for the residents, particularly houses with children needing supervision the existing open space is more limited as it is removed from much of the proposed housing. I consider it reasonable that the planning authority sought open space within the proposed development site to provide for the amenities of the new residential cell. In view of the extensive open space in the wider area I consider a relaxation of quantitative standards to be acceptable.

- 8.2.3. The applicant has made genuine efforts to address the layout not only by seeking to meet the planning authority for guidance in the first instance, which was not possible, but by modifying the layout to address a range of issues relating to both the provision of a wayleave and open space (in the order of 874 sq.m.) and detailed alignments with the existing developments.
- 8.2.4. Through revised designs and in response to the concerns expressed by the planning authority, the proposed scheme incorporates open space along the foul sewer route. However, the open space, wedged between existing and proposed house gables and high boundaries designed to protect privacy, would not have one of the most basic elements – direct overlooking giving a passive surveillance and pleasant aspect. This is a missed opportunity to create a unique sense of place through a form of private and public open space interaction both visually and functionally. I do not consider the design variance between houses to sufficiently create a sense of place. Nor do I consider redesigning gables addresses the issues. The existing site constraints should inform the building typology rather than trying to fit a very regular typology into a site that cannot accommodate it without compromising basic design principles.
- 8.2.5. In further plans submitted as part of the first party appeal, the proposal is further modified with increased open space. The layout, however is such that it remains wedged between the gable ends of houses. This does not conform to good design practice. It remains lacking in passive surveillance and misses the opportunity of open space being integrated as a focal point of a new community of housing in the

area. A key aim of public realm design should be to create spaces that are attractive, however, it appears that landscape design is compromised from the outset in this scheme by the absence of a design concept facilitating the open space use. It is difficult to see how this layout can meet with a core principle of urban design, that being to create a space that is, simply, pleasant to use.

8.2.6. The layout, from my assessment, is contrary to the guidance of the Best Practice Urban Design manual. To be clear, it is not dissimilar to an example, as illustrated on page 116 (part 2) of this guidance document, of poor consideration of site issues. For example, open spaces are edged by blank walls and compounded by restricted through access through open space. It is a difficult situation to address by continuing the existing format derived from the two cul-de-sacs. The design approach demands a more thorough site analysis and application of urban design principles. Furthermore, while I note the site is backland in nature in relation to the Dunsoghly development in that it is reliant on access through the Dunsoghly development, there is a possible more direct alternative through undeveloped land to the east that is also zoned for housing and through which the public sewer also traverses and which is shown as being in council ownership (risk assessment report - page 5). In these circumstances I am not satisfied that site analysis and alternatives have been fully explored, by reference to the best practice guidance, in order to strategically develop the site by itself and in this wider context of the larger tract of zoned land of which the development site forms a part. An alternative access through these lands may allow for a more appropriate development that would utilise the land more efficiently and allow for the creation of a visually distinct and comprehensive new community of housing. This would also have the benefit of having more direct access to services along Ratoath Road and a layout more amenable to passive surveillance and quality open space provision.

8.2.7. In conclusion on this matter, the location of the foul sewer and wayleave area which runs alongside the northern boundary to the south of the existing houses severs the existing and proposed housing developments and demands an entirely different approach to simply continuing the rows of housing along extended roads. If the existing building format continues then the options are, in my opinion, to either relocate the foul sewer to the public lands further south or to allow its incorporation into private property (as originally proposed but rejected by the planning authority).

The resolution proposed by the application is not an appropriate option. In the case of either of the options the site demands an entirely different design approach. I note the application refers to the site as infill but I would consider it to be quite self-contained and can accommodate a different design approach appropriate to the site constraints.

Density and House types:

- 8.2.8. Initially the schedule for house types stated that all 21 houses are 100 sq.m. In response to a request for additional information regarding clarity and compliance with Development Plan standards for room sizes among other matters, this was latterly changed to 22 houses with floor areas ranging from 88-114 square metres and these house types are essentially retained in the revised layout of 19 houses in the layout appended to the grounds of appeal which demonstrates a capacity to increase open space. The lowering of house numbers marginally improves the ratio of open space to bed spaces however the overall density is reduced from almost 38 to 32 units per hectare. This is at the lower end of the density range for serviced suburban lands and somewhat inconsistent with national policy by reference to the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (May 2009) which advocate minimum net residential densities on sites within 500m walking distance, of a bus stop for example, of 50 units per hectare. Dublin Bus routes 40, 40d and 17 serve the proposed development area. Density however must be balanced with the need to ensure that the amenity of existing and future residents is not compromised (objective PM41). In this regard I note the house mix and private spaces therein are of an acceptable standard and I note the planning authority's satisfaction with this aspect. However, in view of the substantive issue of overall layout I do not consider the density or house types to be critical in consideration of this case.

8.3. Interface with adjacent development

- 8.3.1. The adjoining development in Dunsoghly, through which the proposed development is intended to be accessed, is a fairly typical two storey residential development and the proposed development, as varied, largely replicates the format in terms of style, layout and building scale, however while consistent in a manner, there is a

fundamental objection by the existing residents to the principle of opening up the existing estate which is presently walled and fenced from surrounding land most notably the open space of the former waste landfill site to the south from which gas is being extracted. The objections are primarily on grounds of through traffic, sharing of limiting open space and security among other reasons relating to detailed aspects of the design. The planning authority was largely satisfied with the principle, but, while issues relating to layout and servicing were subject of further information, aspects of layout remain unresolved as referred to already in this assessment.

8.3.2. With respect to the principle of an additional housing development of about 20 houses I can understand the concerns of the residents in an established well-kept development. I note the well maintained open space and the organised parking of cars along the relatively narrow roads to accommodate service vehicles - a sense of community is clearly evident. I also note the quality boundary treatment which comprise a mix of stone facing and railings along boundary at the Green cull-de sac also at the other two cul-de-sac roads adjoining the site and adjacent lands. Both walls appear secure and well maintained.

8.3.3. The removal of the defined boundaries along the Dunsink infill site and open lands where there is gas extraction, gas monitoring, evidence of carbon dioxide seepage, leachate lagoon and also evidence of littering, and scrap yards etc. would understandably be a cause of concern as children may easily wander. This is underlined by the need for a 1.9m palisade fence, (as stated in the Risk Report). There is an argument that the sense of community in Dunsoghly estate could be eroded which is contrary to best practice of seeking to develop such communities. As previously referred to in this assessment I note that the development of this site is only part of a larger land bank zoned for housing – the other part adjoining and extending about 50m from the Eastern boundary to road frontage along Ratoath Road. There is a possibility of access along the wayleave route from the Ratoath Road and the integrated development in this manner could allow for a more comprehensive design for the larger tract of zoned land while protecting the integrity of the existing established estate. On balance however, where this site is reliant on sole access through the existing estate, I do not consider the principle of development, subject to appropriate boundary treatment and layout that would complement this existing pattern of development, to be materially contrary to the

development objective for the area. In the absence of further exploring alternative access as a new issue, I do not therefore consider that access through Dunsoghly to the subject site to be reasonable grounds for refusal.

- 8.3.4. The site will be elevated over the future regional park having regard to ground levels and topography. I note the finished floor of 61.5mOD which indicates ground level of about 61mOD taking account of 500mm freeboard. This indicates a very moderate raising of ground. Land to the south drops to 57mOD over a short distance. The southern elevation would accordingly be prominent as viewed from the future parkland and from the Ratoath Road traveling north. The visual impact from these views would be marginal as the gable end and walls consistent with existing would be similar to what exists. This, as previously referred to in this assessment, is a missed opportunity for a more visually interactive approach.

8.4. **Traffic Safety**

- 8.4.1. The proposed development will access the Ratoath Road through the Dunsoghly estate. The 50kph speed limit applies on Ratoath Road at the access point to Dunsoghly. Given the space of development, intensification of the existing junction is not an issue. Within Dunsoghly there are footpaths on both sides of the road and while it is evident from the parking at time of inspection where it was confined to one side to allow utility vehicles I note that the Transport Planning Section has no objection to the proposed development on traffic safety grounds following further information and subject to certain conditions.
- 8.4.2. The planning authority raised an issue regarding the capacity of the roads for large cars and utility vehicles and in addition to the further information, the appeal documentation further clarifies the access issues in NRB Consulting Engineers report appended to letter and drawings (numbers NRB-ATR 100-107) with respect to turning areas. The drawings also illustrate how chicanes can be provided for rather than ramps. Furthermore, I am satisfied that construction traffic will be temporary and can be managed through normal construction management practices. I am therefore satisfied that these matter have been substantially addressed and in view of the scale of development I do not consider traffic safety to be a significant issue or to constitute grounds for refusal of development.

8.5. Public Health

- 8.5.1. The site is substantially surrounded by council owned land and the former Dunsink landfill site is a substantial part of this. This landfill site continues to be managed by the council and is under licence from the EPA. Gases are collected from within the licensed site and used to generate electricity which feeds into the national grid. There is extensive monitoring throughout the licensed area and surrounding lands which includes the intervening land between the licenced area and the site and is also described as filled soils. For clarity the Landfill Gas Risk Assessment Report includes a map on page 5 and outlines the different landholdings/uses and features including the gas monitoring points. G41R is in close proximity to the site and in the vicinity of the Dunsoghly stream which bounds the site the south for about 100m before diverting south through a culvert to join the Scribblestown stream which flows within the Dunsink landfill site.
- 8.5.2. The report was submitted in response to the planning authority request for additional information asking for a report on risks to the environment or human health arising from this proximity of the application site to the former landfill site. The report was based on boreholes along the north-eastern boundary of the landfill site (that is the south-western boundary of the application site) which identifies zero levels of methane and hydrogen sulphide but elevated level of carbon dioxide. Notwithstanding these findings the report recommended the installation of concrete floor slab with gas resistant membrane and a passively ventilated under floor subspace of the proposed houses.
- 8.5.3. I note that the report states that the stream acts as a barrier to dispersion of gas northwards in the direction of the site. However, the stream does not fully segregate the proposed site from all surrounding land notably that which is described as filled soil. It is not absolutely clear if this 'filled soil' is a potential source for gas seepage although it seems unlikely given the distance from the licensed area. There may be a case to be made for an additional monitor to the east and north of Dunsoghly stream to rule out with absolute certainty that there is pathway to the development site. I do however consider it unlikely as the risk report and monitoring seem quite extensive and controlled. While there is no report on file from planning authority's Environment and Water Services Department I note that they did review this submission in the concurrent case and recommended a grant of permission subject

to compliance with the recommendations of the report. On this basis I consider it unlikely that the proposed development would give rise to public health issues of material or significant nature. While the Board may wish to seek further clarity, I am satisfied that in view of the substantive reason for refusal relating to layout that seeking further information in this regard would be unwarranted.

8.5.4. The site is otherwise serviced by public water supply and sewerage.

8.6. **Surface water drainage**

8.6.1. The planning authority seeks SUDS design measures and in this regard permeable areas are proposed. The planning authority objects to permeable surface as part of the SuDs scheme being in private open space such as front drive ways and this therefore requires additional lands and attenuation within the site. I consider this could be addressed through layout arrangement and more consideration to communal permeable surfaces and ease of on-going maintenance. For example, in a development of less than 35 units per hectare, on-street parking could be provided or at least the extent of private curtilage could be removed from the front areas,

8.7. **Appropriate Assessment Screening**

8.7.1. The application includes an AA screening report. The site is not within any Natura 2000 site. The South Dublin Bay and River Tolka Estuary SPA (004024) is 8kms downstream from the site, the North Dublin Bay SAC 000206 is 11kms downstream, the North Bull Island SPA 004006 is 11kms downstream and the South Dublin Bay SAC 000210 is 12kms downstream. The screening report sets out the conservation objectives and qualifying interests of the Natura sites identified as potentially at risk. The screening report recognises that there are potential construction phase water quality impacts arising from streams close to the site which enter the Tolka river about 1km south of the site. The screening report concludes that normal site engineering standards will sufficiently militate against any potential run off. In the operational phase of the development surface water will discharge to the local authority surface water sewer and foul water will discharge to the foul sewer. Along with direct effects, in combination effects and indirect effects are considered. The report concludes that there are no potential effects on the identified sites.

8.7.2. Having regard to the information submitted with the application and the appeal which I consider adequate in order to issue a screening determination it is reasonable to conclude that 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 (004024), North Dublin Bay SAC 000206, the North Bull Island SPA 004006 or South Dublin Bay SAC 000210 or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

Having regard to the foregoing I recommend a refusal of permission based on the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the guidance set out in the "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government (2009), it is considered that the proposed development has been subjected to an inadequate site analysis, resulting in a poor design concept that is unimaginative in its form and layout and fails to appropriately cluster residential units around usable green space while also failing to integrate the wayleave requirements of a public sewer. Furthermore, the Board is not satisfied that the proposed layout takes full account of the need to integrate SuDS by relying on enclosed private areas for permeable surfaces. It is considered that the proposed development would inadequately reflect the features and setting of the subject site, would fail to contribute positively to the character and identity of the area and would be contrary to the provisions of the said Best Practice Guide. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Suzanne Kehely
Senior Planning Inspector

15th March 2018

