



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 2nd day of December 2019 by Kimpton Vale Limited care of John Spain Associates, 39 Fitzwilliam Place, Dublin.

Proposed Development

A planning permission for a strategic housing development at Windmill, Porterstown, Clonsilla, Dublin 15. The application site is located to the south and west of the Windmill Park, Terrace, Court and Square residential development, to the east of Diswellstown Road, west of Station Court and north of the Royal Canal.

The proposed development relates to the provision of 211 number apartments in four number blocks (Block J, K, L and M), comprising of 10 number studio units, 68 number one-bed units and 133 number two-bed units, above an existing basement.

- Block J is a six-storey block, including a penthouse level, containing 46 number apartments.
- Block K is a six-storey block, including a penthouse level, containing 46 number apartments.
- Block L and M is an interlinked L-shaped part six and part eight-storey block, including a penthouse level, containing 119 number apartments. A communal residents amenity space is proposed at ground floor level of Block L and M.

The development proposes the phased completion of the public open space area to the south and south east of the proposed apartments, which will serve both the proposed and existing residential units at Windmill.

The development includes landscaped communal courtyards, ancillary car and cycle parking and lift access to the basement below.

Vehicular access will be via the existing access roads serving the Windmill development, an emergency access is proposed to St. Mochta's estate to the north and pedestrian / cycle connections are proposed to Diswellstown Road to the north west and Sheepmoor Lane to south east.

The internal layout of the existing basement, which is located below the proposed and existing apartments at Windmill, is to be designed to accommodate the car, cycle parking and bin storage areas for the development.

The development includes all associated site and infrastructural works, including foul and surface water drainage, landscaping, boundary walls and fences, roads, cyclepaths and footpaths (including a section of the Royal Canal Greenway on the southern part of the site and tie-in with adjacent footpaths / roads) all on a site area of approximately 3.73 hectares.

The proposed development will supersede the development permitted under register reference FW15A/0145.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location on lands with a zoning objective 'RS' to 'Provide for residential development and protect and improve residential amenities' and for 'OS' to 'Preserve and provide for open space and recreational amenities' in the Fingal County Development Plan 2017-2023;
- (b) the site's setting with the 'Blanchardstown Metropolitan Consolidation Area' and the distances between the development site to public transport links and also the proximity of the site with regard to walking distances to economic and social facilities in addition to the separation distances proposed between this scheme and those existing, recently developed residential development most directly adjoining to the north and north east;
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the Fingal County Development Plan 2017-2023 and National Planning Guidance;
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016;
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009;

- (g) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (i) the Planning System and Flood Risk Management guidelines (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (j) the nature, scale and design of the proposed development,
- (k) the pattern of existing and permitted development in the area;
- (l) the submissions and observations received, and
- (m) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Report for the purposes of Appropriate Assessment Screening submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this zoned 'Metropolitan Consolidation Area', which would not seriously injure the visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall comply with the terms and conditions governing the overall site under register reference F02A/0358 and register reference F05A/0583, unless modified or otherwise required by this grant of planning permission or any conditions contained in this schedule.

Reason: In the interests of orderly development and clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenity of the area.

5.
 - (a) The ancillary residents' community facility located on the ground floor of Block L and M shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.
 - (b) The uses of the space shall be restricted to Class 8 use and Class 10 use as set out in Part 4 of Schedule 2 to the Planning and Development Regulations, 2001.
 - (c) Opening hours of the space shall be agreed in writing with the planning authority prior to the first occupation of the space.
 - (d) No music or other amplified sound shall be broadcast externally from the ancillary residents' community facility.

The details pertaining to the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the space. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: To provide an adequate standard of residential amenity for future residents of the scheme and to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

6. Proposals for building names, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interests of visual amenity and public safety.

8. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenities.

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 243 number clearly identified car parking space shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilized for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use, and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development and also to prevent inappropriate commuter parking.

10. 335 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

13. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) A capacity analysis of the signalised junction on Coolmine Industrial Estate Road /Clonsilla Road / Station Court Road shall be carried out and any works or improvement required to the junction on foot of the analysis shall be carried out at the expense of the developer.
- (b) The detailed design and construction details of the proposed shared footpath and cycle path 'Greenway' along the southern boundary.
- (c) The design and construction details of the tie-ins for all pedestrian/cycleway connections including those onto the Sheepmoor Lane to the south east corner of the site and to Diswellstown Town Road to the north west corner of the site.
- (d) The provision of spaces for club cars and 'Go car 'or similar.
- (e) The recommendations of the Road Safety Audit shall be implemented to the satisfaction of the Transportation Planning Section. Road Safety Audits, Stages 2 and 3 shall be undertaken and the recommendation implemented to the satisfaction of the planning authority.
- (f) The design details of the emergency access gate which shall be under the control of Fingal County Council.

All works shall be carried out at the expense of the developer to the written satisfaction of the planning authority.

Reason: In the interest of traffic and public safety.

14. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

15. The final landscape plan and specification shall be agreed with the planning authority prior to the commencement of works on site.
 - (a) The landscaping and earth-works scheme shown on drawing number 01 Landscape Masterplan, as submitted to An Bord Pleanála as part of the application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:
 - (i) The site shall be landscaped, using only indigenous deciduous trees and hedging species.
 - (ii) The playground, Multi-Use Games Area (MUGA) and adult exercise trail along footpaths within the public open space shall be delivered and made available to the public as part of Phase 1 of the proposed development.
 - (iii) Taking in charge drawing to be agreed – in this regard, a clear definition between the proposed communal /private open space and the public open space to the south is required.
 - (iv) Details of landscape and services co-ordination.
 - (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

16. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

17. (a) A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities, for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including location of the site and materials compound(s), area(s) identified for the storage of construction refuse, and:
- (a) Location of areas for construction site offices and staff facilities;
 - (b) Details of site security fencing and hoardings;
 - (c) Details of on-site car parking facilities for site workers during the course of construction;
 - (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (e) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

- 21. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 22. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

- 23. The glazing to the all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

24. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

25. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

