



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-306074-19

Strategic Housing Development	211 no. apartments and all associated site works
Location	Windmill, Porterstown, Clonsilla, Dublin 15
Planning Authority	Fingal County Council
Applicant	Kimpton Vale Limited
Prescribed Bodies	<ol style="list-style-type: none">1. Irish Water (IW)2. National Transport Authority3. Transport Infrastructure Ireland (TII)4. Waterways Ireland
Observer(s)	21 Submissions received see Appendix 1 for full list of names.
Date of Site Inspection	28 th February 2019
Inspector	Fiona Fair

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The application site extends to approximately 3.73 hectares and is located in a suburban part of Dublin c.11km north-west of the city centre, in the predominantly residential area of Porterstown, Clonsilla approximately 1.4km to the south of Blanchardstown town centre.
- 2.2. The application site is located to the immediate south and west of the Windmill Terrace, Court and Square residential development of 3 to 5 storeys in height, to the east of Diswellstown Road, west of Station Court and north of the Royal Canal.
- 2.3. The Diswellstown Road / Porterstown Road, including the bridge over the canal and rail line is located to the west at a considerable height above the site providing the principle views of the proposal. The vehicular access to the proposed SHD is from the Clonsilla Road to the north via St. Mochta's estate. The proposed Metro West rail line reservation lies to the west of the site.
- 2.4. The application site forms a prominent part of a large, partially built out development. Completed elements of the Windmill development include a mix of duplex units (76 no. on the eastern part of the site) and 3/4/5 storey apartment blocks in five no. blocks (Blocks A (24 no. units), B (21 no. units), C (18 no. units), E (24 no. units) and G (31 no. units), on the western part of the site) to the north and east of the proposed development. The existing development site includes a substantial unutilised underground car park permitted under the parent permission. The site has been subject to groundworks but there are no buildings upon it. The railway station at Coolmine is c550m to the east of the site.

3.0 Proposed Strategic Housing Development

3.1. The proposed development, as per the submitted public notices, relates to the provision of 211 no. apartments in four no. blocks (Block J, K, L and M), comprising of:

- 10 no. studio units,
- 68 no. 1 bed units and
- 133 no. 2 bed units

above an existing basement.

- Block J is a six storey block, including a penthouse level, containing 46 no. apartments.
- Block K is a six storey block, including a penthouse level, containing 46 no. apartments.
- Block L and M is an interlinked L-Shaped part six and part eight storey block, including a penthouse level, containing 119 no. apartments. A communal residents amenity space is proposed at ground floor level of Block L-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 Reg. Ref.: FW15A/0145.

3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Development Standards

Site Area *	3.73 ha gross / 3.23 ha net
No. of units	211
Total Gross Floor Area (incl. 211 sq. m ancillary residents community facility)	24,575 sq. m (as per Application Form submitted)
Gross Density (based upon site area of 3.73 ha)	57 units/ha
Gross density (based upon overall Windmill site area, lands within blue and red line 6.38 ha)	63.5 ha
Net Density (based on the residential zoned portion of lands)	125.5 units/ha
Plot Ratio stated as	1: 1.42
Site Coverage stated as	26%
Public Open Space	Required Existing Proposed
Communal Open Space	Existing Proposed
	15% for Greenfield sites N/A 20,908 sq. m 1, 750 sq. m 3,525 sq. m Total 26,183 sq. m

* The application site has an area of c. 3.73 ha, this includes existing apartment blocks A, B, C, E and G and an area of land providing a connection to St. Mochta's to the north (due to Part V requirements and emergency access to St. Mochta's). The total landholding within the applicant's control, red and blue line on the site location map, has an area of 6.38 ha. The residential zoned land, excluding the metro reservation, has an area of c. 3.23 ha. The residential zoned land within the red line boundary, excluding the metro reservation, has an area of c. 1.58 ha. Furthermore, the residential zoned land within the red line boundary, excluding metro reservation and existing building footprints, has an area of c. 1.29 ha.

Table 2: Unit Mix

Apartments	1 bed	2 bed	studio	Total
	68 (32%)	133 (63%)	10 (5%)	211 (100%)
Dual Aspect				56%
% of units that exceed the minimum size requirements by 10% or more				64%
Size range proposed sq. m	46.1 – 60.2	70.5 - 76	42.5	

Table 3: Building Height

Block	Storeys
J	6
K	6
L	5 – 8
M	5 - 8

Table 4: Car Parking

No. of car parking spaces	243
Surface	58
Basement	185

Table 5: Bicycle Parking

No. of bicycle parking spaces	335
Surface	51
Basement	284

Table 6: Part V

Proposed	21 no. units, which includes 13 no. proposed units and 8 no. existing units
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- 3.3. In term of site services, all service connections required for foul water, surface water and water supply are within lands controlled by the applicant. The surface water drainage proposal is considered acceptable to the p.a. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.

4.0 Planning History

There are a number of granted planning permissions on the site.

- 4.1. **F02A/0358**: Scheme not fully implemented; The planning history of the site commences with a comprehensive development of 293 units, max 5 storey with significant amenity provided by way of open space on a site of 6.96 Ha. and culminates in the granting of FW15A/0145 for 143 units on a site of 6.37Ha with equivalent open space provision.
- 4.2. **F05A/0583**: Permission granted for variation to previously permitted development Reg. Ref. F02A/0358, consisting of moving Block B, A, G 3 metres south and west of Blocks A, G, H, F, D and E with an additional 165 car parking spaces and landscaped area and the omission of the southern part of the previously permitted basement car park with 99 car park spaces at this 6.96 ha site.
- 4.3. **F07A/1055/E1**: Extension of duration of permission granted for variation to previously permitted development (Reg. Ref. F02A/0358 and F05A/0583) consisting of new 5 storey extension, containing 10 no 2 bed apartments and 5 no 1 bed apartments, to the east of the previously permitted 5 storey Block H and re-arrange previously permitted 10 no 2 bed apartments in Block H to provide 6 no 2 bed and 4 no 3 bed apartments with minor elevational changes with an additional 23 car park spaces and re-arranging 21 permitted car park spaces with new access road and ancillary siteworks at this 6.3 ha
- 4.4. In 2015 an application **reg. ref. FW15A/0145** for a revised scheme to build out the blocks to the south and west of the site was lodged and received permission on 11th October 2016. The proposal was for a residential development consisting of 143 no. apartments in four no. apartment blocks, 5 and 6 storeys high. Vehicular access via the existing access roads serving the Windmill development. 247 no. car parking spaces are proposed, including 92 no. at surface level and 155 no. at basement

level. The development provides for the completion of the existing basement car park and courtyards above. The development proposes the phased completion of c. 2.88 ha of Class 1 Open Space and 0.45 ha of Class 2 Open Space to serve both the proposed and exiting residential units at Windmill. The development includes all associated site and infrastructural works, including foul and surface water drainage, landscaping (see phasing plan), boundary walls and fences, roads, cycle-paths and footpaths all on a site area of approximately 6.37 hectares. The proposed development amends the scheme permitted under Reg. Ref. F05A/0583.

- 4.5. That proposal under reg. ref. FW15A/0145 was developed after the removal of a portion of the rail reservation on the site which allowed the utilisation of the residential zoned land to the south west of the site to provide for further accommodation. It is the stated intention of the applicant (development description) that the current proposal will supersede extant permission FW15A/0145.

5.0 National and Local Planning Policy

- 5.1. The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is the prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

5.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Urban Development and Building Heights Guidelines for Planning Authorities' - 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' - 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009

- ‘Design Manual for Urban Roads and Streets’ 2013
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001

5.2 Statutory Plan for the area

The Fingal County Development Plan 2017-2023 is the operative County Development Plan. The north-western part of the site is zoned ‘RS’ residential, the rest of it ‘OS’ for open space. There are objectives to provide a cycleway from the Diswellstown Road along the southern boundary of the site, and to reserve a route for Metro West along the west of the site.

The site is zoned Objective ‘RS’ which seeks ‘Provide for residential development and protect and improve residential amenities’ and ‘OS’ to ‘Preserve and provide for open space and recreational amenities’ and falls within the Blanchardstown Metropolitan Consolidation Area as set out in the core strategy.

6.0 Section 5 Pre Application Consultation

6.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 31st July 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted which states that the Board is of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

6.2. The Board requested that two items were to be addressed:

1. Further consideration/amendment of the submitted documentation as it relates to the development strategy for the site and its consistency with national and local planning policy. The documentation should concisely set out the justification for the scale, design and housing mix of the proposed

development by referring to: the specific characteristics of the proposed development and the surrounding area; the provisions of guidelines issued by the minister under section 28 of the planning act; the county development plan; and any other policies that may be material to the application. Undue repetition and generalised assertions should be avoided. The necessary information should be included in the statement required under section 8(1)(iv)(l) of the Planning and Development (Housing) and Residential Tenancies Act 2016. It should be noted that the section 9(6)(b) of that act prevents a grant of permission under the SHD process where a development, or any part of it, materially contravenes the zoning of land under a development plan.

2. Further consideration/amendment of the submitted documentation as it relates to the previous development on the prospective applicant's landholding. The documentation should describe that development and its relationship with any proposed development concisely and accurately, particularly with regard to access and the provision of amenities including open space, parking for cars and bicycles and bin stores. The documentation should address compliance with applicable development management standards with regard to both the proposed and existing housing. It should also address the impact of proposed development on compliance with any outstanding obligations to occupants of existing housing or under previous planning permissions.

6.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Plans showing connections from and through the proposed development for pedestrians, cyclists and vehicles. The submitted information should demonstrate that the proposed development would facilitate the development plan objective to provide a greenway along the Royal Canal, as well as

providing details of a pedestrian link from the public road to the northwest and of emergency access from St. Mochta's.

2. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
3. A mobility management plan that would *inter alia* describe the management of the demand for parking of cars and bicycles arising from the proposed development and the existing housing in the vicinity, including details of the allocation of specific parking facilities to them. Regard should be had to the policy at section 4.19 of the Guidelines on Design Standards for New Apartments issued in 2018 about car parking standards in accessible locations on public transport corridors. Details of the facilities for bike parking should demonstrate that they can accommodate a suitable number and a wide range of types of bicycle, with safe and convenient access from the housing.
4. A study of the impact of the proposed development on daylight and sunlight available to existing and proposed homes, including associated private and public open space.
5. Proposals for compliance with the requirements of Part V of the planning act.
6. A plan showing the areas which it is proposed that the council would take in charge.
7. A Site-Specific Flood Risk Assessment Report.
8. A draft construction management plan and a draft waste management plan.

7.0 Applicant's Statement of Consistency

- 7.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the **two** issues raised in the Opinion.

7.2. **Item No. 1:** Demonstrate how the Development Strategy is Consistent with National and Local Policy with specific regard to the proposed development and surrounding context;

Justification for Scale:

7.2.1. The response sets out that the proposed development seeks to provide building heights of five and six storeys with an eight-storey element on the south western section of the site. The permitted scheme provided for five and six storey blocks, so the increase in height is primarily focused on Block L-M at the western location of the site. The increase in building height and alteration to unit mix and size, is consistent with the SPPR's introduced under the Apartment Guidelines 2018 and Building Height Guidelines 2018, which provides an opportunity for an increase in unit numbers from 143 to 211 no. units to be achieved in the proposed development, whilst still respecting the character and amenity of the surrounding area.

7.2.2. The subject site is accessible in nature and well served by public transport with high capacity, frequent service and good links to other modes of public transport, being located within c. 500m of Coolmine Rail Station, and the proposed design also has regard to the potential future metro corridor at Porterstown.

7.2.3. The proposed density of the overall Windmill development, i.e. existing and proposed, at 63.5 units per hectare accords with the Guidelines for Sustainable Residential Development in Urban Areas (2009) which recommend a minimum net residential density of 50 units per hectare.

Justification for design:

7.2.4. The applicant's response submits that the proposed layout and design of the apartment blocks is largely in keeping with the scheme permitted under Reg. Ref: FW15A/0145, which the proposed development seeks to supersede. The key alteration, as noted above is the increase in height to provide an eight storey landmark element at the corner location, i.e. in proximity to the junction of Diswellstown Road, the 'F- Open Space' zoned lands and the Royal Canal and train line.

7.2.5. The revised height proposals have been prepared with cognisance of the 2018 Section 28 Guidelines on building heights. It is submitted that a high quality of architectural design is proposed which responds to the site context and will provide

durable and good quality apartment blocks in a prominent location within the Windmill development. MCORM Architects have prepared a Site Layout Evolution drawing, which is included in their architectural package, which illustrates how the layout of apartment blocks on this unimplemented part of the Windmill site have evolved through the various iterations of permissions on site over the years.

7.2.6. In terms of separation distances and relationship between the existing and proposed apartment blocks, the proposal is broadly similar to the extant permission for this part of the site, i.e. Reg. Ref.: FW15A/0145.

7.2.7. It is noted that an application for revisions to the earlier permissions on the site, which have been part implemented, was lodged under Reg. Ref. FW09A/0047. This application proposed to move blocks D, F & H by 1.2m to the south. This resulted in a separation distance of 4.48m between Block G and the proposed Block H, as illustrated in the site plan extract included as Figure 2.1 below. The current proposed site plan, is considered to be an improvement on these previously permitted layouts for this part of the Windmill site. The MCORM architectural drawings and design statement demonstrates the rationale for and appropriateness of the proposed layout, relationship with and separation between existing and proposed apartment blocks.

7.2.8. In 2015 an application FW15A/0145 for a revised scheme to build out the blocks to the south and west of the site was lodged and received permission. The principle of a layout with a generous rectangular courtyard to the west of blocks A and G and a more open courtyard further west of that was established. The removal of a portion of the metro reservation, which originally encroached on a north west to east part through the southern part of the site, allowed the utilisation of the residential zoned land to the south west of the site to provide for further accommodation.

7.2.9. The current SHD proposal is an evolution of previous proposals while taking into account the latest Government guidelines which promote increased density on sites in proximity to public transport nodes / corridors within the Metropolitan area. The completion of the central courtyard and the implementation of the landscape proposals will result in an increase of amenity for existing residents.

7.2.10. In terms of the planning history, the applicant has advised that what is built on site complies with the relevant planning permissions in so far as they have been

constructed, however, the permissions have not been built out in their entirety, i.e. for the planning permission to be fully implemented as per the drawings lodged, a number of further blocks of apartments would have to be built. The response is accompanied with a Legal Opinion, which addresses this matters in greater detail.

Justification for Housing mix

- 7.2.11. It is submitted that the proposal includes 10 no. studio units, which equates to 5% of the overall unit mix, 68 no. 1 bed units, which equates to 33% of the overall unit mix, and 133 no. 2 bed units, which equates to 63% of the overall unit mix. The proposed unit mix is consistent with SPPR1 of the Apartment Guidelines 2018 which recognises the importance of an appropriate mix within developments, but which also seek to provide a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas.
- 7.2.12. SPPR1 supersedes the requirements of the County Development Plan 2017-2023 and there have been no more recent housing demand analysis studies for the area which would indicate that a unit mix other than that which is set down by SPPR1 is required.
- 7.2.13. In addition, the applicant, who is a long-established residential developer in the Greater Dublin Area, has engaged with estate agents in respect to the proposals prepared for the site. This consultation process informed the unit mix, sizes, car parking provision and provision of community amenity facilities, as proposed in the submitted application.
- 7.2.14. In addition, the Social Infrastructure Audit includes an analysis of existing population trends in the area, which supports the need for an increased provision of smaller residential units in the area. It is also submitted that the proposed unit mix, which concentrates on studios, 1 and 2 beds, reflects the current demand and demographics, which have informed recent Government guidelines.
- 7.2.15. The existing development at Windmill and St. Mochta's to the north provide a good range of 3 + bed units to cater for larger household demand. The provision of a greater proportion of smaller units is also considered appropriate given the location of the site within c. 550 metres of Coolmine commuter rail station, which is planned to benefit from DART services in the coming years under the GDA Transport

Strategy / National Planning Framework / National Development Plan. Thus, it is respectfully submitted that the unit mix proposed is consistent with relevant Section 28 Guidelines, whilst also having regard to market demand and the local context.

Statement of Consistency

- 7.2.16. It is submitted that the Statement of Consistency and Planning Report has been updated from the version included at SHD pre-application stage to address the concerns raised by the Board. In addition, this Statement of Response has been prepared to address specific concerns of the Board, which has regard to FCC's Chief Executive's Report. A Social Infrastructure Audit has also been prepared to accompany the application, which demonstrates that there is a good provision of social and community infrastructure in the area which will help support the needs of future residents.
- 7.2.17. The justification for the design of the development is provided in the Architects Design Statement. The car and cycle parking provision is justified in the Transport Statement and Mobility Management Plan. The bin storage provision is justified within the Operational Waste Management Plan. And the open space provision, design and facilities proposed is justified within the Landscape Design Rationale, Statement of Consistency / Planning Report and the Legal Opinion appended to this report.
- 7.3. **Item No. 2:** Provide further information in respect to how the proposed development relates to the existing / previously permitted development on the applicant's landholding.

Planning History and Existing Development

- 7.3.1. It is submitted that the existing development on the applicant's landholding consists of a mix of duplex units (76 no. on the eastern part of the site) and 3/4/5 storey apartment blocks in five no. blocks (Blocks A (24 no. units), B (21 no. units), C (18 no. units), E (24 no. units) and G (31 no. units), on the western part of the site) to the north and east of the proposed development.
- 7.3.2. The development also includes an estate access road, associated internal roads, car parking, communal open space, bin and bike stores and public lighting. The existing units and associated development were constructed under Reg. Ref: F02A/0358, as

amended under Reg. Ref.: F05A/0583, with construction commencing in 2005. An extension of duration of the original permission was granted up to 2008 and subsequently 2009.

- 7.3.3. There were also a number of subsequent applications for other aspects of the implemented development, primarily the following permissions: Windmill SHD - Statement of Response
- F07A/0805- Permission granted for retention of ramp location and realignment of access road.
 - FW08A/0970- Permission for variations to and retention of car parking provision on site, including an enlarged basement.
- 7.3.4. The applicant has advised that what is built on site complies with the above referenced permissions in so far as it is constructed. However, these permissions, which have now lapsed have not been built out in their entirety, i.e. the apartment blocks permitted to the south of Block A, B, C, E and G (the application site) and public open space area on the southern part of the site have not been implemented as per the approved plans.
- 7.3.5. In this regard, we note that the Planning and Development Act 2000, as amended, states under Section 40 that in the case of development that is commenced under a permission that the unimplemented elements of the permission cease to have effect. In this respect, this application is brought forward to allow for the completion of the entire Windmill scheme and provide an overall quantum of open space, parking and bin storage for the existing and proposed units, which will meet with the requirements of residents and the relevant development management standards / SPPR's.
- 7.3.6. The following sections of this response address items of relevance, such as open space and parking, in the context of the originally permitted development and the current proposals.
- 7.3.7. It is submitted that the existing development is managed by a property company who maintain control over the allocation of car parking spaces and manage the communal areas, bike and bin stores. Thus, the scheme as now proposed will supersede any previous planning permissions relating to the subject lands which

have since lapsed. It will also supersede the 2015 permission, Reg. Ref.: FW15A/0145, which has not been commenced.

Enforcement Proceedings

- 7.3.8. The Council brought enforcement proceedings against the developer relating to the completion of the open space and boundary treatments. The Judge in his Order required the development to be completed in accordance with the F05A/0583 permission under Section 160 of the Act within 4 years, i.e. May 2016. This Order was not complied with, primarily due to the economic constraints which existed at the time. This Order has now lapsed, in addition to the planning permissions to which it related and there are no current enforcement proceedings being undertaken in respect to the proposed development.
- 7.3.9. The subject application will address any non-compliance issues with previously permitted development by providing for the completion of the undeveloped parts of the residential zoned land and open space area in accordance with current Section 28 Guidelines / Development Plan standards under this new planning application.

Existing, Permitted and Proposed Open Space Provision

- 7.3.10. It is submitted that the existing units on site were implemented under Reg. Ref.: F02A/0358, as amended under Reg. Ref.: F05A/0583. The large open space area to the south of the estate access road was not completed under these permissions.
- 7.3.11. The parent permission under which the existing blocks were constructed, Reg. Ref.: F02A/0358 proposed a courtyard to the south of blocks B & C and West of Block A&G. This permission was only partly implemented which resulted in only the north and east sides of the courtyard being constructed.
- 7.3.12. The extent of public open space originally granted at Windmill related to the south-central section, primarily due to the presence of a rail reservation corridor to the south west and west of the site.
- 7.3.13. Thus, it is apparent that the extent of public open space granted under the part implemented permissions did not include the western portion of the site, as now proposed, due to the location of a proposed rail corridor. The quantum of public open space permitted under F02A/0358 and F05A/0583, as illustrated above was similar to that proposed in the subject application, excluding the area reserved for future

development on the eastern portion of the site. Please refer to MCORM's Site Layout Evolution Plan for details of the open space areas in the earlier iterations of the overall Windmill development.

7.3.14. The quantum, classification and justification for the quantum of public and communal open space proposed is primarily addressed in RMDA's Landscape Design Rationale statement the accompanying landscape drawings.

7.3.15. In summary, the total provision is outlined below in tabular format.

Table 1: Open Space Provision

	Public Open Space	Communal Open Space	Light Rail Corridor	Excess 'F' zoned land reserved for future Development subject to zoning
Existing	N/A	1,750 sq.m	N/A	N/A
Proposed	20,908 sq. m (equates to c. 32% of the overall Windmill development area within the applicant's control)	3,525.1 sq.m	2,489 sq. m (grassed and seeded for visual / amenity purposes until such time as the light rail is delivered)	8,550 sq.m (grassed and seeded in the interests of visual amenity)
Total	20,908 sq. m	5,275.1 sq. m	2,489 sq. m	8,550 sq. m

7.3.16. The public and communal open space is identified as contributing towards the open space provision for the existing / proposed development, given the nature of the other two areas, i.e. light rail corridor reservation and potential future development lands. Thus, the total public and communal open space within the existing and proposed Windmill development is c. 26,183 sq.m.

7.3.17. In terms of compliance with relevant standards the following is noted:

- The public open space provision on the overall Windmill site is c. 41% of the applicant's overall landholding. This is considerably in excess of the 15% requirement for green-field sites under the Guidelines for Sustainable Residential Development in Urban Areas. This will serve the needs of both the existing and future residents.

- The communal open space provision for existing and proposed residents exceeds the requirements set out in Appendix 1 of the Apartment Guidelines 2018 (see RMDA documents for calculations).

Communal Open Space Provision

7.3.18. The communal open space requirement for the proposed development is 1,313 sq.m under the Apartment Guidelines 2018. The Phase 2 scheme provides 3,525 sq.m in three number communal courtyards which will serve the proposed and existing residents. Details of the proposed playground and MUGA areas are provided on the drawings and landscape design rationale statement prepared by RMDA in the context of the requirements of the Apartment Guidelines.

Phased Development

7.3.19. As illustrated in the accompanying architectural and landscape drawings, the applicant also proposes to deliver the open space on a phased basis, with early delivery of Phase 1.

7.3.20. Thus, the above referenced open space provision is considered to meet the requirements of the relevant Section 28 Guidelines.

Existing and Proposed Car Parking

7.3.21. In response to this item of the Opinion, 2HQ Engineers in consultation with the applicant and design team have undertaken a detailed assessment of the existing car parking and proposed car parking requirements and provision for the proposed development. A Windmill SHD - Statement of Response detailed review and statement on the existing and proposed car parking provision and compliance with relevant standards is set out in the Transport Statement and MMP prepared by 2HQ.

7.3.22. It is submitted that Reg. Ref. F08A/0970 provided for further variations to the approved development. The variations included increasing the western section of the underground basement car parking, decreasing surface car parking and alterations to the routing of surface water drainage on the western side of the development. This permission provided for 206 no. basement car parking spaces and 30 no. surface parking spaces.

7.3.23. It is now submitted that the proposed development provides a suitable quantum of car parking for existing and proposed residents and this will be managed by the

Management Company, with a report accompanying the application demonstrating how this will be done.

Existing and Proposed Bin Storage

7.3.24. AD Sustainability have been engaged to prepared a specific Operational Waste Management Plan for the proposed development, which has informed the quantum of bin storage area proposed within the basement as illustrated on MCORM drawings. The OWMP also provides details of the existing bin storage provision within the Windmill development. The report illustrates that the existing and proposed bin storage is sufficient to cater for the needs of existing and future residents at Windmill.

7.3.25. As set out in the Owner's Management Company Report, prepared by Smyth Property Consultants, who manage the existing development, the existing and proposed waste storage facilities will be managed on the site by the management company to ensure they meet with residents' requirements and do not result in any adverse impacts on the amenities of residents.

Summary

In light of Item 1 and 2 of the Board's Opinion, the changes proposed to the development in the context of the extant permission granted under Reg. Ref.: FW15A/0145, can be summarised as follows:

- An increase in unit numbers from 143 to 211.
- An increase in building height of Block L and M to six storeys with a eight storey element on the western end, which provides a landmark corner element in proximity to Diswellstown Road and the rail line bridge.
- Revised internal apartment sizes, layout and mix which respond to the standard set down under the 2018 Apartment Guidelines.
- Introduction of a resident's communal amenity facility within the ground floor of Block L-M, to reflect current marker demand for such facilities within both build to sell and private rental sector schemes.
- Landscaping and open space design changes, including incorporation of the proposed Greenway on the southern part of the site and reservation of an excess area of OS zoned lands as a potential future development site.

- Extension of the red line boundary to provide pedestrian / cycle connections to the north west and south east as requested in pre-application discussions.
- Further details on the existing and proposed car, cycle, bin storage and open space provision for the overall existing and proposed Windmill development.

7.4. In addition, eight items of additional information are requested.

Item 1 - Connectivity

- 7.4.1. The red line application site boundary has been revised to provide a pedestrian / cycle connection to Diswellstown Road to the north west and Sheepmoor Lane to the south. The proposed connection to Diswellstown Road is proposed along the north western boundary of the application site and eastern boundary / embankment of Diswellstown Road, a public road.
- 7.4.2. The applicant has advised that Castlethorn own the lands to the immediate north, which is also subject to the light rail corridor reservation, and the potential exists for the Planning Authority to provide a more direct / desire route across this area to the application site, which could be agreed prior to implementation of the route.
- 7.4.3. The scheme incorporates a section of the Royal Canal Greenway along the southern portion of the site, which reflects the current route alignment / design under preparation by FCC and the NTA. The details of this greenway will be subject to agreement prior to commencement of development.
- 7.4.4. 2HQ Consulting Engineers have included a connectivity / permeability drawing in their application package to demonstrate all of the above. In addition, they have prepared a detail of the proposed emergency access from Windmill to St. Mochta's estate to the north, which is included within the red line boundary.

Item 2 – Housing Quality Assessment

- 7.4.5. MCORM Architects have prepared a Housing Quality Assessment spreadsheet and include details on their drawings to demonstrate how the proposed scheme complies with the 2018 Apartment Guidelines.
- 7.4.6. In addition, the Planning Report / Statement of Consistency demonstrates how the proposed scheme complies with the relevant SPPR's and standards of the 2018 Apartment Guidelines when describing the proposed development in Section 4.

Item 3 – A Mobility Management Plan

- 7.4.7. 2HQ have prepared a Transport Assessment and Mobility Management Plan which is included with the application. The justification for the quantum of car and cycle parking in the context of existing and proposed development at Windmill is set out in this report.

Item 4 – Daylight and Sunlight Study of Impact Upon Existing Development and Proposed Development.

- 7.4.8. Digital Dimensions have prepared a daylight and sunlight assessment for the proposed development, which assesses the impact on existing residential properties, the quality of the proposed residential units and the impact on external amenity spaces of the proposed development. As summarised in the Planning Report / Statement of Consistency the assessment demonstrates that the proposed scheme meets the recommendations of the BRE Guidelines.

Item 5 – Part V

- 7.4.9. The application is accompanied by a Part V package of information, which includes the following:
- Drawings indicating the location of the proposed Part V units
 - An estimate of costs prepared by the applicant
 - A summary cover letter prepared by JSA
- 7.4.10. 21 Part V units are proposed, 13 permitted under previous permission and 8 new. In addition, the above is accompanied by a letter from FCC Housing Department confirming that discussions have been entered into in respect to meeting the Part V requirements for the development, which will be finalised on receipt of a final grant of permission.

Item 6 – Taking in Charge

- 7.4.11. The MCORM drawing package includes a taking in charge drawing, which has been prepared in consultation with 2HQ and RMDA, and demonstrate the areas within the application site boundary which are proposed for taking in charge (i.e. public open space areas).

Item 7 – Flood Risk Assessment

7.4.12. 2HQ Consulting Engineers have prepared a Flood Risk Assessment Report for the proposed development which is included in their application pack. It demonstrates that the development is not at risk of flooding and does not have the potential to increase flood risk elsewhere.

Item 8 – Construction Management Plan

7.4.13. The planning application is accompanied by a Construction Management Plan prepared by 2HQ Consulting Engineers, which includes details in respect to the management of waste during the construction process.

7.4.14. In addition, an Operational Waste Management Plan has been prepared by AD Sustainability, which provides details of the existing and proposed waste storage areas for the Windmill development and how they meet with the relevant requirements.

8.0 Third Party Submissions

8.1. Twenty one number third party submission received, the list of names for submissions is attached as appendix to this report, they are collectively summarised under the following headings:

Residential Amenity

- Ambiguity around the proposed emergency access gate, what function it will serve and who will have access.
- Concern about pedestrian / emergency / vehicular connectivity via St. Mochtas Estate
- Insufficient green space to date
- Transport, childcare and policing resource constraints
- Parking management, refuse issues at bin sheds, access issues, light replacement and breaches of house rules were the most common calls recorded in minutes of residents meeting in 2018.
- Additional traffic and related congestion and parking issues problematic for residents.

Childcare

- The applicant should not be allowed to avoid childcare obligations due to the 2018 apartment guidelines.
- The area has a severe shortage of childcare, from creche, to pre-school to afterschool activities.
- The majority of schools in the area are at capacity

Visual Amenity

- 8 storey height is excessive and incongruous
- Would make this development one of the highest in D15
- Proposed height in this suburban would set a negative precedent
- Contrary to the character of the surrounding low rise suburban area.

Transportation & Carparking

- There is insufficient car parking to serve existing phases of development.
- Only one access road to serve approx. 516 additional cars is problematic.
- Overspill of car parking to adjacent developments, in particular St. Mochtas, is of concern.
- Visitor car parking is insufficient and results in overspill
- Parallel car parking along the access road and play areas is dangerous and restricts access
- Problems with train commuters parking along roads
- Existing car parking permit system not compatible with the proposal.
- Development premature pending capacity in transport infrastructure.
- The developers plan to construct a footpath linking with the No. 37 bus route is welcome.
- Request that the developer is conditioned to prevent overspill parking in adjacent estates by both management requirements and the amendment of boundaries to St. Mochta Estate.
- Provision of medical centre and or a creche would entail provision of appropriate car parking.

Non-Compliance with the Original Planning Permission

- The developer has a history of non-compliance

- Incompleteness of the estate to date.
- Open space and green area has not been carried out
- Previous phases of the development not completed in accordance with permission
- The boundary fence is not in compliance with planning permission.
- Compliance with Condition No. 7 of FW15A/0145 (dealing with boundary treatment) is required.
- Car parking is insufficient and adhoc
- The designated bicycle parking area currently serves as a bin store which causes issues owing to its location and unhygienic standards.

Infrastructure, Mix of Uses and Public Amenities

- Services needed to serve the increase in population.
- Insufficient garda resources
- Additional school spaces needed
- The Maynooth Train line is currently under significant capacity pressure
- Local residents struggle with overcrowding in schools, on the trains and buses
- Local schools over subscribed until at least 2030
- Cumulative impact with other development in the area putting pressure on services
- The developer does not have the capacity to complete the proposal
- Doesn't avail of the opportunity to provide some commercial development at ground floor addressing the opportunities presented by the canal greenway.
- A medical centre would be appropriate at ground floor in one of the units.
- The Social infrastructure and School Assessment prepared by JSA is flawed
- The analysis is deficient where it overestimates the number of medical practitioners.

Mix of Units

- One and two bed apartments' do not allow for the growth of families
- Tenure mix and type proposed not suitable to accommodate family friendly accommodation.

Social Issues and Anti-Social Behaviour

- Objection to any further increase in footfall via St. Mochtas to Windmill development.
- Regular anti-social behaviour is observed, open dealing of drugs.
- Emergency access gate not acceptable
- Existing pedestrian gate not acceptable

9.0 Planning Authority Submission

9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 5th February 2020. The report may be summarised as follows:

Summary of the chief Executive Report and Departmental Reports

- 9.1.1. The report concludes that whilst the proposed development is acceptable in principle under 'RS' and 'OS' zoning, the planning authority has concerns in relation to the separation distances between proposed and existing apartment blocks.
- 9.1.2. Appropriate redevelopment of this site, as part of a comprehensive design scheme, has the potential to address the unfinished character of the site, to maximise returns on existing physical and social infrastructure, and to contribute to the consolidation and proper planning and sustainable development through provision of increased density and diversity of housing in the area.
- 9.1.3. A number of recurring themes have been set out by the planning authority at each point of contact with the proposed development.
- 9.1.4. The report sets out that the interrelationship of the proposed apartment blocks to each other and to those previously permitted on the Windmill site is not considered to fully capture the aspirations for high quality living environments to facilitate the development of a sustainable community in this rapidly growing part of Fingal. In S247 pre-planning, written opinion and in the pre-planning with ABP this issue has been highlighted as a concern. Justification in the application has been with reference to that which was permitted in application FW15A/0145. This is not considered an adequate justification.

- 9.1.5. It is the opinion of the planning authority that the proposal is not considered to be compliant with SPPR 3 of the Urban Development and Building Heights (2018) insofar as it has not demonstrated compliance with the development management criteria set out in section 3.2, with particular reference to:
- Insufficient justification has been presented to demonstrate how the proposal responds to the scale of and potential for overshadowing of the adjoining developments with particular reference to housing to the blocks to the north those now proposed.
 - Insufficient justification has been set out to justify the apparent failure of the design to meet the minimum standards as set out in the daylight study.
 - No consideration of Microclimate effects has been presented with the proposal.
- 9.1.6. 3 of the 4 existing blocks are built directly over the basement car parking; a portion of 1 of the proposed blocks is over the basement. Car parking along with bike and general storage and bins for the proposed SHD blocks are to be provided in the existing basement, the extent to which this may result in displacement amenities associated with existing development has not been determined.

Materials and finishes.

- 9.1.7. The proposed development, due to its location and prominence requires high quality and durable finishes. Substantial additional justification for the selection of the proposed Rockpanel finish is required with regard to weathering, maintenance over time and the contribution they will make to the appearance of the area as they age.
- 9.1.8. Materials and finishes are of particular importance given the visually prominent location and the contribution that such a significant development will make to the character of the area over time.

Access and Transportation

- 9.1.9. A number of concerns and design requirements are set out in the report of the transport planning department. Issues have been highlighted therein requiring further details to be agreed and these have been incorporated into the proposed conditions. Of particular concern are the number of car parking spaces proposed.

Surface Water Drainage

9.1.10. No concerns have been highlighted by the water services section regarding surface water drainage. Waterways Ireland have made a submission setting out a number of issues including the importance of ensuring that no water discharges from the proposal to the canal.

Open Space and Landscape Proposals

9.1.11. The open space proposal remains unclear with particular consideration of interaction between previous and proposed phases of development on the site and the extent to which open space has been committed to extant developments.

Other Issues

9.1.12. Daylight standards in the proposed apartments and compliance with prescribed standards require further consideration in order to maximise the residential amenity of future residents.

9.1.13. In relation to the proposed multi-purpose room to the ground floor of Block L & M, there are concerns regarding potential for break out of sound from activities which may be undertaken therein. These noise levels can impact on the residential amenity within the apartment block. Details are required to demonstrate how these issues are to be addressed in the proposal.

9.1.14. The Social Infrastructure assessment submitted confirms the absence of any retail or community centre facilities in the immediate vicinity of the proposal. The case set out in the application to avoid the provision of a purpose built childcare facility to serve the needs of the development is not accepted by the planning authority.

9.1.15. The report is appended with the following Appendices:

- Appendix A - Views of the Area Members
- Appendix B - List of submissions received
- Appendix C - Relevant Provisions of the Development Plan
- Appendix D - Internal FCC Reports

9.2. **Summary of Inter-Departmental Reports**

Transportation Planning Section: No objections subject to 12 no. conditions.

Parks and Green Infrastructure Division: No objections subject to conditions.

Drainage: No objections subject to conditions.

Environmental Health, Air and Noise Unit: No objection subject to condition.

Environment Section: No objection subject to condition.

Community Archaeologist: No objection

9.3. **Summary of Planning Assessment:**

- 9.3.1. It is acknowledged that National policy seeks a significant and increasing output of housing units on zoned serviced lands. It is considered that this proposed SHD is in principle consistent with that policy.
- 9.3.2. The orientation and design of the blocks, particularly when viewed from the Diswellstown Road will be critical to the contribution that the development will make to the character of the wider area. This is the case due to the elevated nature of the road and high level of visibility from the bridge crossing.
- 9.3.3. There is a history of incremental changes to the design and density over time, with the current proposal seeking to increase the scale and bulk considerably with limited consideration of the need to review the layout and to tailor the design approach. Instead the proposal seeks to add height and scale to the previous scheme (FW15A/0145) without re-considering the foot print. This design approach gives rise to increasing concern regarding separation distances, sunlight, daylight and general amenity of future and existing residents.
- 9.3.4. The Planning Authority has expressed from the outset and remains of the opinion that the successful development of this site would require a strong architectural statement incorporating a very high standard of design and materials. It is considered the proposal is not of a standard to meet the aspirations of Fingal County Council particularly given the scale and height of the proposal and the sensitivity of the site.

9.3.5. The planning authority recommends that the Board should consider if the current proposal achieves the necessary standard of design to successfully accommodate the additional scale and height proposed.

9.4. **A Refusal Recommended**

9.4.1. Taking account of:

- potential impacts on the amenity of existing residents of Windmill,
- Impacts on the amenity of future residents of the proposal,
- Impacts on the character of Windmill and the wider Porterstown area.
- The negative impact on the delivery of an appropriate level of amenity by way of open space in accordance with previous implemented permissions.

It is likely that a revised application boundary, along with a significant level of redesign, would be necessary to mitigate a number of potential negative impacts and facilitate the achievement of a broader range of qualitative objectives, as set out in local and national policy.

The planning authority indicates 18 no. conditions in the event that planning permission is granted.

10.0 **Prescribed Bodies**

The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- Waterways Ireland

10.1. **SUMMARY OF PRESCRIBED BODY REPORTS:**

Irish Water: Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid

connection being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

Waterways Ireland:

- The Royal Canal (pNHA) has become a very important ecological system
- Any changes to boundaries incl. removal of hedge/vegetation along the Royal Canal would require extensive consultation with Waterways Ireland
- Concern of impact of any development on the Royal Canal
- Waterways Ireland does not permit the discharge of any kind into the canal.

Inland Fisheries Ireland (IFI):

- Comprehensive surface water management measures must be implemented at the construction and operational phase
- Need for a specific Construction Environmental Management Plan (CIMP)
- Wastewater from the development will discharge to the Ringsend Wastewater Treatment plant. It is consistently reported that the Ringsend WWTP is currently overloaded experiencing average daily loads of 1.8-1.9M PE. While additional capacity is under construction any additional loading to the current plant is premature until the upgrade is commissioned.

TII:

- Submission received which states: 'No observations to make'.

11.0 Oral Hearing Request

None requested.

12.0 Assessment

I consider that the main issues relating to this application are:

- **Site Zoning and Principle of the Development**
- **Residential Mix, Density and Design**
- **Visual Amenity**
- **Residential Amenity**
- **Landscape and Open Space**
- **Transportation, Access, Carparking & Cycle Parking**
- **Other matters**
 - **Services and anti-social behaviour**
 - **Non Compliance with the Original Permission**
 - **Part V**
 - **Childcare**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

12.1. Site Zoning and Principle of the Development

- 12.1.1. Having regard to the nature and scale of development proposed, namely a 211 residential unit apartment scheme inclusive of 211 sq. m ancillary residents community facility, I am of the opinion, that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.2. In the Fingal County Development Plan 2017-2023, the north-western part of, the subject site, is zoned Objective 'RS', which seeks to: 'Provide for residential development and protect and improve residential amenities' and the southern and south eastern portion is zoned Objective 'OS' to: 'Preserve and provide for open space and recreational amenities'. The subject site falls within the Blanchardstown Metropolitan Consolidation Area as set out in the core strategy. There is an

objective to provide an indicative cycle / pedestrian route from the Diswellstown Road along the southern boundary of the site and a linear strip is reserved for the future Metro light rail line (Metro west) reservation to the west of the site.

- 12.1.3. The application site is located within the Windmill Park and Terrace section of the overall Windmill residential development in Porterstown, Dublin 15, permitted under Reg. Ref.: F02A/0358, as amended under Reg. Ref.: F05A/0583, and subsequent variation permissions, see section 4.0 of this report above for full details. The completed units comprise a mix of duplex units (76 no. on the eastern part of the site) and 3/4/5 storey apartment blocks in five no. blocks (Blocks A (24 no. units), B (21 no. units), C (18 no. units), E (24 no. units) and G (31 no. units), on the western part of the site) to the north and east of the proposed development. The underground car park within the Windmill development, permitted under the parent permission, has been constructed but is not utilised by the existing residential units. The main public open space located in the south eastern section of site has not been completed and was used as a builder's compound during the construction phase and is screened off by hoarding. A section of the proposed Royal Canal Greenway route is incorporated into the southern part of the public open space which will provide a connection via Sheepmoor Lane to Coolmine Rail Station c. 550 metres to the east.
- 12.1.4. The proposed four no. apartment blocks are located to the south and west of the existing apartment blocks in Windmill Park and Terrace on 'RS' zoned lands. The proposed block layout and heights were largely similar to the permitted development, as illustrated in the Architectural Design Statement, however an increase in unit numbers from 143 to 211 is achieved in the proposed development through alterations to the layout of the buildings and increase in building heights.
- 12.1.5. The key changes proposed from the permitted development on the subject lands can be summarised as follows:
- An increase in unit numbers from 143 to 211.
 - An increase in building height of Block L and M to six storeys with a eight storey element on the western end, which provides a landmark corner element in proximity to Diswellstown Road and the rail line bridge.

- Revised internal apartment sizes, layout and mix which respond to the standard set down under the 2018 Apartment Guidelines.
- Introduction of a resident's communal amenity facility within the ground floor of Block L-M, to reflect current market demand for such facilities within both build to sell and private rental sector schemes.
- Landscaping and open space design changes, including incorporation of the proposed Greenway on the southern part of the site and reservation of an excess area of OS zoned lands as a potential future development site (the Statement of Response and accompanying Legal Opinion is noted).
- Extension of the red line boundary to provide pedestrian / cycle connections to the north west and south east.
- Further details on the existing and proposed car, cycle, bin storage and open space provision for the overall existing and proposed Windmill development.

12.1.6. It is the stated intention of the applicant (development description) that the current proposal will supersede extant permission FW15A/0145. I agree with the opinion of the planning authority, that notwithstanding the variation in the description of the density proposed depending upon site size, net and gross area and whether permitted existing development is taken into account, see Table 1 Development Standards in section 3.0 of this report, it is clear that the site can accommodate an increase in density in compliance with qualitative aspects of National policy. The increase in building height and alteration to unit mix and size, is consistent with the requirements and standards set out in the SPPR's introduced under the Apartment Guidelines 2018 and Building Height Guidelines 2018, which provides an opportunity for an increase in unit numbers in suitable locations.

12.1.7. The principle of the proposal is in accordance with the core strategy of the Fingal County Development Plan 2017 – 2023. The subject proposal essentially seeks to complete an unfinished housing estate. The site is accessible in nature and well served by public transport with high capacity, frequent service and good links to other modes of public transport and the proposed design also has regard to the potential future metro light corridor at Porterstown. It is considered to be an urban infill site taking particular account of the built character of the area and public

transport infrastructure in its immediate vicinity which includes the Coolmine train station some 550m approx. to the southeast.

12.1.8. Appropriate redevelopment of this site, as part of a comprehensive design scheme, has the potential to maximise returns on existing physical and social infrastructure, contributing to the consolidation and proper planning and sustainable development through provision of increased density and diversity of housing in the area.

12.1.9. I shall deal with how the proposal interacts with surrounding land uses and assess the proposal with respect development management criteria, set out in the county development plan and the requirements and standards set out in the SPPR's, introduced under the Apartment Guidelines 2018 and Building Height Guidelines 2018, in the following sections of this report.

12.1.10. Overall, I consider that the proposed development is in compliance with the zoning objective for the area (residential 'RS' and Open Space 'OS'), as set out in the operative Fingal County Development Plan 2017-2023 and the relevant national, regional and local planning policy framework and is therefore acceptable in principle at this location.

12.2. Residential Mix, Density, Height and Layout & Design

12.2.1. Third party concern is raised with respect to the 8 storey height proposed, over intensification on the site and architectural merit of the proposed buildings in the context of the sites setting. It is contended the tenure mix and type proposed is not suitable to accommodate family friendly accommodation. Concern is also raised that the proposed height would set a undesirable precedent in this suburban low rise neighbourhood.

Mix

12.2.2. The applicant has proposed 68 no. 1 bed units (32%), 133 no. 2 bed units (63%) and 10 no. studio apartments (5%). It is noted that the planning authority would welcome the provision of a greater number of 3 bed apartments in the scheme, however, the housing mix proposed is in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically SPPR1 which allows for the inclusion of up to 50% one-bedroom apartments in a scheme and no minimum

requirement for apartments with three or more bedrooms. Taking the Guidelines into account and the prevalence of 3 bedroom family homes in the wider area I consider the proposal is acceptable in terms of residential mix.

Density

- 12.2.3. The density is 63.5 units / ha based upon the overall Windmill site area, (lands within blue and red line 6.38 ha), the net density (based on the residential zoned portion of lands) is 125.5 units per hectare and the proposal has a plot ratio of 1:1.42. As stated above the principle of residential development has been established on this site. This application sets to increase the number of units permitted on the site to 211 i.e. an additional 68 units. The uplift in the number of units is considered appropriate and acceptable in terms of sustainable use of zoned lands, services and viability of public transport.
- 12.2.4. The Statement of Consistency with Planning Policy accompanying the application demonstrates that the proposed development complies with the relevant national, regional and local planning policy framework and that the proposal will provide for an effective and efficient use of this urban infill unfinished site which it contends is highly accessible and well served by public transport.
- 12.2.5. I note the opinion of the p.a. that the proposed density is acceptable and that the redevelopment of an underutilised brownfield site complies with strategic policies (chapter 1) and core strategy and settlement strategy (chapter 2). While public transport, accessibility and connectivity will be accessed in further detail in the succeeding section of this report I consider that overall, given, the layout proposed, precedent established in the surrounding area, the fact the site forms an extension to an existing permitted development and its location within the 'Blanchardstown Metropolitan Consolidation Area' that the density proposed is appropriate on the subject site, subject to condition.
- 12.2.6. The Windmill site itself has been partially developed under permission F02A/0358 which has now lapsed. To the north east of the Windmill site, duplex units are arranged around two open courtyards. Just to the north of the proposed development are five 3-5 storey apartment blocks three of which sit over a partially completed basement.

- 12.2.7. It is submitted that the proposed layout and design and the massing of the proposed apartment blocks is largely in keeping with the scheme permitted under Reg. Ref: FW15A/0145, which the proposed development seeks to supersede. The blocks are similar in shape but have been improved in terms of separation distances both to the existing blocks and between each other, over each previous planning permission.
- 12.2.8. The existing apartment blocks on the site were planned as part of a development with a central courtyard. The new blocks form a large central courtyard of 55m x 66m. The three proposed blocks (I, J, K&L) will create a strong building edge along the linear park / greenway and the taller corner block is an appropriate response to Diswellstown Road. The blocks are orientated to maximise their aspect with the vast majority benefiting from the east, west and south facing living room.
- 12.2.9. The key alteration, as noted above is the increase in height to provide an eight storey landmark element at the corner location, i.e. in proximity to the junction of Diswellstown Road, the 'F- Open Space' zoned lands and the Royal Canal and train line. It is submitted that the approach to height on this scheme has been to both step down and integrate with existing context. An Architect's Design Statement and Photomontage Assessment accompanies the application.
- 12.2.10. It is contended that a high quality of architectural design is proposed which responds to the site context and will provide durable and good quality apartment blocks in a prominent location within the Windmill development. MCORM Architects have prepared a Site Layout Evolution drawing, which is included in their architectural package, which illustrates how the layout of apartment blocks on this unimplemented part of the Windmill site have evolved through the various iterations of permissions on site over the years.
- 12.2.11. I agree that the current SHD proposal is an evolution of previous proposals while taking into account the latest Government guidelines which promote increased density on sites in proximity to public transport nodes / corridors within the Metropolitan area. The completion of the central courtyard and the implementation of the landscape proposals is necessary to improve the amenity for existing residents.

Height

- 12.2.12. The Urban Development and Building Height: Guidelines for Planning Authorities (Dec 2018) provides guidance / national policy on building heights in

relation to urban areas. Building height is identified as an important mechanism to delivering compact urban growth. Specific Planning Policy Requirements (SPPRs) of the recently published height guidelines take precedence over any conflicting policies, and objectives of the Fingal County Development Plan.

12.2.13. Cognisance is had that the planning authority have not raised concern with respect to the proposed height. The location and orientation of the proposed development is purposefully situated to take advantage of, not only the orientation of the site, but also the lack of residential development to the south of the site. The submitted Sunlight and Daylight Assessment indicates:

- All living rooms & bedrooms in existing units will meet the recommendations of the BRE Guidelines and BS8208 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting when compared to the extant planning scheme Reg. Ref.: FW15A/0145
- Daylight to the existing apartment units are assessed in comparison to the extant planning permission Reg. Ref.: FW15A/0145, which in turn had regard to the parent permission for the overall Windmill. The existing apartments are from an earlier phase of the development and would have been occupied with the knowledge that a further phase was being developed. Table 1 indicates that the current proposed scheme is an improvement on the planning approved scheme Reg. Ref.: FW15A/0145 in the majority. A small number of windows in Block E have some reduction but this is minor and does not reduce the available daylight below the recommended 0.8 times its former value and any impact will be minor. The presence of existing balconies does incur some shading, but where VSC is at a lower value, many rooms have mitigating factors of second windows or full height, very large windows.
- All living rooms & bedrooms in the units assessed exceed the minimum levels set out and meet the recommendations of the BRE Guidelines and BS8208 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting.
- There are 2 courtyard spaces between the existing blocks A,B,C,E,G and the proposed blocks J,K,L,M. An amenity area is proposed to the south of the proposed apartments running from east to west including a playground. The majority of the public open space will receive in excess of 2 hours sunlight

during the course of the day on the 21st March as it is to the south of the development.

- There will be no reduction in the available sunlight on the ground to any adjacent residences. The amenity space to the proposed development meets the recommendations of the BRE guidelines and will receive in excess of 2 hours sunlight over 50% of the open space.

12.2.14. I have no objection in principle to the proposed 5 – 8 storey height proposed. I consider that the 8 storey landmark building is acceptable. The proposal builds on the strategy established in the previous permission in light of the ministerial guidelines which were published in the interim. This has resulted in a reworked scheme that is more sustainable in its land use, by providing a higher density scheme with more efficient blocks. The increased height, which is appropriate given the setting and context, also allows for a landmark visible from Diswellstown Road and the greenway.

Layout and Design

12.2.15. The planning authority consider that a key deficiency of the proposed development is the separation distances between proposed and existing apartment blocks. In terms of separation distances and relationship between the existing and proposed apartment blocks, it is submitted that the proposal is broadly similar to the extant permission for this part of the site, i.e. Reg. Ref.: FW15A/0145. A marginal increase in the separation distances between gables of blocks is proposed. It is submitted that the separation distances are appropriate given the fact that they are designed specifically to have no directly opposing windows. I note that a separation distance of 6m is proposed between the southern gable elevation of block G (existing) and the proposed northern elevation of Block J, a separation distance of 9.126m is proposed between the northern gable elevation of Block L&M and the southern elevation of Block C (existing). There is a separation distance of some 55m between Block L&M and Block G (existing) in the form of courtyard 1.

12.2.16. I consider that the design and layout proposed while unexceptional, has cognisance to permitted and existing development within the wider Windmill development and is therefore acceptable on merit. The proposal on the subject site, with its existing unused basement parking, provides an opportunity to complete the

unfinished development, deliver the open space and enhance the amenity of the development for the existing Windmill residents. It also provides an opportunity for connectivity and provision of a portion of the Royal Canal Greenway and a significant Class 1 open space. The brick finish proposed is similar to that permitted and existing, therefore, I consider same to be appropriate in its context and visually acceptable.

12.2.17. I have no objection in principle to the proposed general layout and design, while generic I consider that the layout is acceptable. The proposal essentially forms an extension to an existing expanding area and will support the completion of an unfinished estate. It also provides for the delivery of the Royal Canal Greenway through the site.

12.3. Visual Amenity

12.3.1. I believe that there is merit in the argument that the 8 storey high building is acceptable in terms of location and will provide a visual 'Landmark' when viewed from the west and mark the end of the site when viewed from the east along the greenway, in addition to being a 'Landmark' identity for the overall Windmill and Porterstown Area.

12.3.2. I am of the opinion, that the proposed buildings, while somewhat of generic design, are of adequate quality and would contribute to the building out / expansion of an existing unfinished estate and therefore contribute positively to the surrounding built environment. The development as a whole would make a positive contribution to the wider urban neighbourhood and streetscape. It replicates existing development on the ground. The CGI's, photomontages and visual impact assessment submitted with the planning application indicates that the impact of the proposal on the area will be positive.

12.4. Residential Amenity

12.4.1. 'A Statement of Consistency' has been submitted which demonstrates adherence of the proposal to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018). It is contended that a

variety of apartment types of single and dual aspect units are proposed with an efficient layout to allow ease of mobility and to maximise solar orientation. Dual aspect accounts for 56% (116no.) of the apartment types in the scheme. Of the single aspect units proposed (95 no. single aspect units), the majority are predominantly one bed apartments and face south east, south or west. 11 number units are north facing in Block K, directly looking onto communal courtyard area 1 and its green space.

- 12.4.2. The total floor area of the proposed 1 bed units ranges between 46.1 and 60.2 sq. m. the proposed 2 bed units between 70.5 and 94.3 sq. m. and the proposed studio units have a floor area of some 42.5 sq. m. 135 no. of the total units proposed exceed the minimum apartment floor areas in the Guidelines by 10% or more (64% of the total).
- 12.4.3. This application is accompanied by a Housing Quality Assessment (HQA) document prepared by MCORM Architects outlining the compliance of the proposed apartments with the relevant quantitative standards required under the 2018 Apartment Guidelines.
- 12.4.4. The site orientation is favourable with regard to daylight and sunlight analysis and assessment overshadowing of existing buildings. A Daylight and Sunlight Report, prepared by Digital Dimensions, included in the application, relies upon a comparison of the proposed development against that which it supersedes. A summary of the daylight / sunlight assessment is set out above in section 12.2.13 of this report.
- 12.4.5. The assessment finds that there will be good quality light in the apartments analysed. The proposed development meets the recommendations of the BRE guidelines.
- 12.4.6. To counteract any overlooking the scheme has been designed to minimise the number of opposing windows. Where this was not possible to achieve, adequately distanced opposing windows are used to avoid overlooking and opposite elevations to living spaces are set at a distance above the minimum of 22m as outlined in the development plan.
- 12.4.7. An average daylight factor assessment was also undertaken for the worst case scenario of existing units and the report demonstrates that the units assessed

exceed the minimum levels set out and meet the recommendations of the BRE Guidelines and BS8208 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting against the existing situation also.

12.4.8. It is considered that the separation distances achieved between the proposed development and permitted development, is acceptable and will not lead to undue adverse overlooking or overbearing impact. It is also considered that the amenity space (Courtyards) within the proposed development has good sunlight access. Overall, the scheme provides good access to sunlight for the amenity areas and the majority of apartments can expect to have well daylit living areas.

12.4.9. Albeit that the scheme is designed as a build to sell / private rental sector scheme, the proposal provides for a communal residential amenity space (211 sq. m) within the ground floor of Block M&L and this is welcomed. This is an expanding suburban area currently under constraint in terms of social infrastructure. Planning is about creating communities and further developing existing communities in a sustainable manner by securing high quality urban design through the design, delivery and co-ordination of new development providing a good quality of life for all existing and future users of land and buildings. Inclusion of a communal residential amenity spaces, subject to condition re use and noise, in development is welcomed, as it is recognised that future development of such space could prove difficult. The uses of the space should 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.

CLASS 8 Use—

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),
- (b) as a crèche,
- (c) as a day nursery,
- (d) as a day centre

CLASS 10 Use as—

- (a) an art gallery (but not for the sale or hire of works of art),

- (b) a museum,
 - (c) a public library or public reading room,
 - (d) a public hall,
 - (e) an exhibition hall,
 - (f) a social centre, community centre or non-residential club,
- but not as a dance hall or concert hall.

12.4.10. The Development Plan seeks to maximise the use of zoned and serviced land. Consolidation through sustainable higher densities allows for a more compact urban form that more readily supports an integrated public transport system. The proposed scheme varies in height from 5 to 8 storeys. However, it is separated from the adjoining two storey semidetached housing development of Saint Mochtas by a considerable distance, roads and intervening 3 storey duplex developments. It is considered that the development will not have a significant undue adverse impact on the amenity of the adjoining area.

12.5. Landscape and Open Space

12.5.1. The site is organized around the existing Windmill development, completing two communal open spaces and allowing for a Class 1 open space along with a linear park which will in time form part of the Grand Canal Greenway.

12.5.2. The Parks Department of FCC consider that the proposed quantum of Public Open Space is acceptable in terms of the Phase 1 and Phase 2 combined, however the quality of the open space layout and play provision needs to be improved to cater for the combined occupancy rate of Phase 1 and Phase 2.

12.5.3. Development Plan standards are more onerous than the Section 28 Guidelines in terms of quantitative requirements. The scheme has been designed to be broadly consistent with the Development Plan requirements in terms of quality, delivery of play facilities in the form of a playground, MUGA's (multi use games area's) and kickabout areas, the design of the SUDs space and incorporation of a section of the proposed Royal Canal Greenway in the southern part of the site.

12.5.4. The Development Plan requirement for open space within Fingal is 2.5 hectares per 1000 population, which equates to 25 sq.m per person. The public open space provision is calculated at a rate of 75% Class 1 and 25% Class 2 with at least 10% of the overall site area dedicated to public open space. Objective PM47 states that it is Council policy to:

“Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposed 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”.

12.5.5. The overall residential scheme, as indicated in the FI response for FW15A/0145, i.e. the permission which this application seeks to superseded, provided for 33,130 sq.m. of public open space, which is in excess of the Development Plan requirement of 24,675 sq.m public open space based on existing and permitted residential numbers at Windmill. Thus, the existing and permitted development on the applicant’s landholding previously proposed a surplus of 8,455 sq.m. of open space.

12.5.6. However, under the current application it is proposed to provide c. 20,908 sq.m of public open space as part of the proposed development, which is equivalent to a Class 1 Open Space under the Development Plan classification. In addition, 5,275 sq.m of existing and proposed communal open space is incorporated into the Windmill development. Therefore, a total of c. 26,183 sq.m of open space shall be delivered between the existing and proposed developments on the subject lands at Windmill.

12.5.7. The total open space provision, i.e. public and communal, equates to c. 41% (2.62 ha of open space / 6.38 ha overall applicant landholding) of the overall site area at Windmill. The proposed development will substantially complete the Windmill Estate, including the public open space area, which is welcomed, this will overcome concerns raised by existing residents with respect to noncompliance with extant conditions of planning permission pertaining to this site.

12.5.8. I consider the level and quality of landscaping and communal / public open space proposed is appropriate and acceptable. I note the phasing plan (Drg. No. PI021) submitted, which proposes:

- Phase 1 Public Open Space and Playground
- Phase 2 Block L& M and communal courtyards
- Phase 3 Block K and
- Phase 4 Block J and the Linear Park.

12.6. Transportation, Access, Carparking & Cycle Parking

- 12.6.1. The vehicular access to the site is from the signalised junction off Clonsilla Road/Station Court /Coolmine Industrial Estate, to the east. The access road from the junction serves St. Mochat's Estate, Station Court and the Windmill Development. The road from the Clonsilla junction as far as the entrance to the Windmill Development is a public road, in charge of Fingal County Council.
- 12.6.2. The proposed development is in a 50 km/hr speed limit. The development has the benefit of a previous permission for a residential development consisting of 143 no. apartments and this proposed development would be for the provision of 211 apartments an increase of 68 apartments.
- 12.6.3. An emergency access gate is proposed to be provided between the existing St. Mochta's development and the proposed development, it is proposed to be utilised only in the event of an incident or emergency that would block the Windmill Development Access Road cutting off the residents. This access is the subject of much concern to residents of Saint Mochta's estate. Concerns are raised with respect to ambiguity around the proposed access what function it will serve and who would have access.
- 12.6.4. The report from the transportation planning section of Fingal County Council clearly sets out that the management of the proposed access gate should be under the remit of Fingal County Council. In the event that the gate is opened a Traffic Management Plan would be required to be put in place. It is stated that the emergency access gate shall be located so that there is no significant level difference between the two existing road levels and drainage is provided where necessary. The transportation department of Fingal County Council have no objection to the proposed emergency access gate subject to design to be agreed. It is stated that palisade fencing is not acceptable.

- 12.6.5. Pedestrians and Cyclists will have alternate access points. An existing pedestrian access from St Mochta's is maintained. A new pedestrian access from Diswellstown road is proposed. The linear park to the south of the site will form part of the Royal Can Greenway and will allow access from the west and from the east at Sheepmore Lane. Sheepmore lane will provide an important pedestrian and cycle link to Coolmine station. I agree that the internal permeability proposed together with the pedestrian and cyclist access points to the site will ensure the development delivers important connections to the wider locality.
- 12.6.6. The development is located in an urban area zoned residential. The development is located within 800m of Coolmine Railway Station. The development proposes an increase of 68 units over that previously granted planning permission. In the context of an urban area the traffic impact of an additional 68 units would not be considered as having any significant impact on the existing road network. However, the junction access requires further analysis to determine if any improvement works are required, this matter can be dealt with by way of condition.
- 12.6.7. A number of submissions have cited concerns in relation to available capacity on both the commuter rail service to/from Coolmine Station and on the bus service. Elected Members have also raised concern in relation to transport infrastructure capacity. The subject site is located within 800km of the Coolmine Railway Station, which is on the Maynooth to City Centre (Connolly/Docklands/Pearse) line. There is a frequent train service at this station with a frequency of up to 4 to 6 services per hour each way during peak times. The site is served by public transport in the form of Dublin Bus services (No. 39 / 39A Bus Route) travelling to Ranelagh in Dublin City and terminating in Ongar on its outward journey via Clonsilla Road. This is a relatively frequent service, running every 10 mins during peak.
- 12.6.8. Information on the Irish Rail website details a number of investment programmes designed to increase capacity in the rail network. Of relevance to this line is the City Centre Resignalling Project which will allow more trains to operate on the lines, the Dart Expansion Programme which will deliver DART services on this line, as well as others, which will increase overall capacity. Investment in new rolling stock will provide an overall increase in peak commuter capacity of 34% on routes where they will be deployed.

12.6.9. Other proposed improvements in the locality include provision of a 30 min frequency bus services between Tallaght and Blanchardstown under the Bus Connects Scheme. A new cycle route is proposed along Carpenterstown Road to link with the wider cycle network as per the GDA Cycle Network Plan.

12.6.10. As such, while it is evident there is some constraint in capacity at peak times, there are definitive plans in place to deliver additional capacity on the public transport network, and to improve cycle infrastructure, which the proposed development, and the surrounding residential development, will ultimately benefit from.

12.6.11. The traffic and transportation division of Fingal County Council are broadly satisfied with the development as proposed. I am of the opinion that the proposed development is acceptable from a traffic and access perspective.

Car Parking

12.6.12. Lack of car parking, on-street car parking and over spill of car parking to neighbouring estates has been raised as a concern in submissions received from existing adjoining residents. It is feared that the proposed development will exacerbate concerns in this regard. The subject application proposes to provide parking for both the existing and proposed apartments based on the Design Standards for New Apartments Guidelines. Parking on site will be under the remit of a management company. The applicant has not identified or specified the type of apartment for the existing units so it is not clear how many 1, 2 and 3 bed apartments there are in the existing development from the information provided. But all the duplex units are 2 and 3 bed and would have a parking rate of 1.5 and 2 space per unit plus visitor parking.

12.6.13. In planning reference FW15A/0145 the applicant set-out the parking provision for the existing 194 units based on the parking standards at the time which were parking maximums and not parking norms. The development would have provided for 270 parking spaces for the existing 194 units.

12.6.14. The planning authority report sets out that the current application proposes to reduce the existing parking associated with the existing developments (217 spaces on site) to 1 space per unit for both the existing units and the proposed units and provide 0.14 visitor spaces per unit.

12.6.15. The proposed car parking plan is detailed on drawing number 18-178-P012 and P013 and indicates the parking allocated to the existing blocks and the proposed blocks. Some of the allocated parking is no longer outside the front doors of the particular units. The planning authority have raised concern in relation to:

- allocated parking for the apartments, being located outside the duplex units to the west.
- whether parking spaces 93,94 and 95 in the basement are accessible.
- minimum practical parking provision, 1 space per unit
- possibility of overspill parking within adjacent residential areas and the management of residents that already avail of two spaces.
- under provision of visitor parking for the overall development in the order of 45 spaces.

12.6.16. I note that the Transportation Planning Section has no objection to the proposed development generally. I consider that the issues of concern raised can be dealt with by way of condition. It is considered that the applicant's commitment to sustainable development is of importance. In light of recent publications (Apartment Guidelines (2018), NPF 2040 (2018) the sites attributes of location proximate to Blanchardstown town centre and Dublin City centre and to high quality public transport nodes and also acknowledging recent granted applications in close proximity to the scheme, the quantum of car parking proposed is considered sufficient, subject to condition.

12.6.17. I recommend that should the board agree permission should be granted in this instance that a condition be attached which requires that car parking permitted (243 spaces) be reserved solely to serve the proposed development. Also, that 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. (See condition 10)

- 12.6.18. The provision of alternative mobility solutions such as 'Go-Car' or similar and car sharing/club car spaces should be provided as part of the development. All car parking spaces should have the infrastructure to enable EV charging. EV visitor spaces should be provided.
- 12.6.19. Section 4.21 of the Apartment Guidelines states that in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net, planning authorities must consider a reduced overall car parking standard. While the provision proposed here is below the maximum standards as set out in the Fingal Development Plan. I do not consider that a car parking ratio of 1 space per unit (subject to condition) would result in an overspill of parking in the surrounding residential housing estates. Overall, I consider the provision to be acceptable, given the location of the site, and the considerations and constraints as identified above.

Cycle Parking

- 12.6.20. The cycle parking quantum proposed to be provided for the proposed apartment units is 335 spaces with the capacity to increase spaces in the future as demand arises. It is proposed to locate 284 no. cycle parking spaces at basement level which is accessed controlled and 51 visitor spaces at surface level. These are mainly located within the communal courtyards which are overlooked and in close proximity to the apartment block entrances. There are also a number of spaces provided adjacent to the play area in the public open space. This level of provision is in excess of Development Plan standards and equates to c. 1.5 spaces per unit, which is considered appropriate for this location.
- 12.6.21. Cognisance is had to the views of the planning authority with respect to cycle parking and it is considered that the issues raised of safe access, conflict and security can be dealt with adequately by way of condition.
- 12.6.22. I consider that cycle parking spaces as proposed are appropriate and sufficient to serve the proposed development. Matters with respect to rearrangement and further detail can be dealt with by way of condition.

13.0 Other matters

Services and anti-social behaviour

- 13.1.1. Third party concern has been raised with respect to need for a medical centre, a creche, school capacity and antisocial behaviour.
- 13.1.2. The proposed development site is located within the urban environment of Blanchardstown Metropolitan Consolidation Area as set out in the core strategy. The subject site is located 1.4 Km from the shopping centre and all local serves and amenities.
- 13.1.3. The first party has submitted a social infrastructure audit this assessment demonstrates that there are a number of sports, recreation, community uses and retail within 1km and 2km of the subject site. The area is well served by parks, fitness facilities and sports clubs. A direct link to the laneway to the south east, through the public open space, is proposed as part of this application which will improve connectivity to the existing services, amenities and facilities near the site, south of the rail line. This level of provision for the community within 2km is noted.
- 13.1.4. Third party concern has been raised with respect to connectivity proposed via Saint Mochta's estate and possible future issues of anti-social behaviour. I consider that the planning authority's response to the emergency access via Saint Mochas is acceptable and appropriate. Overall connectivity to services and public transport nodes is to be welcomed. Passive surveillance, overlooking, footfall is all vital to creating a safer well connected community. Issues of drug dealing and anti-social behaviour are a matter for An Garda Siochana and outside of the scope of the remit of An Bord Pleanala.

Non Compliance with the Original Permission

- 13.1.5. Third party concern is raised with respect to non – compliance with conditions attached to the original permission. It is contended the developer has a history of noncompliance. That the boundary treatment and car parking layout required under permitted phases has not been adhered to, to date. Concerns are raised with respect to access to underground car parking and the knock-on impact to residents of on street and insufficient car parking.

- 13.1.6. Enforcement is solely a matter for the planning authority and any competent authority should conduct planning in a manner that affords a high level of confidence in the openness, fairness, professionalism and efficiency of the process, where people can have the confidence that appropriate enforcement action will be taken where legal requirements are not upheld. I would advise third parties to raise all matters of concern with the planning authority. I recommend that appropriate conditions should be attached to any decision to grant planning permission forthcoming from the Board, reserving the proposed 243 car parking spaces solely for the proposed development.
- 13.1.7. Landscaping and open space quantum and design changes, including incorporation of the proposed Greenway on the southern part of the site and reservation of an excess area of OS zoned lands as a potential future development site are all noted. The Statement of Response and accompanying Legal Opinion for further justification is also noted. Details of the most relevant planning history relating to the existing and permitted development on the subject lands and legal opinion that any subsequent permission would supersede previous permissions is noted. While issues have been raised with respect to non-compliance. And it has been held that the developer of previously permitted and extant permissions have been non-compliant in their implementation of conditions attached to planning permissions. It is considered that the board are not precluded from a grant of planning permission in the subject case instance. As stated above enforcement is a matter for the competent planning authority and the courts.

Part V

- 13.1.8. In order to meet the Part V requirement, the applicant has identified the proposed provision of 11 no. additional units, in addition to 15 no. units transferred and 8 no. pending under previous commitments, to meet the overall Part V requirement for the Windmill development. These proposals have been accepted in principle by Fingal County Council Housing Department, and will be subject to further discussion, negotiation and agreement, following receipt of a final grant of permission.
- 13.1.9. The application is accompanied by a letter from FCC Housing Department confirming that negotiations in respect to Part V provision have been entered into. The planning authority have raised no concerns in this regard and therefore I believe

that the proposals is satisfied with respect to Part V proposals. A general Part V condition should be attached.

Childcare

- 13.1.10. A survey was undertaken to identify social infrastructure and the existing provision of childcare facilities within 2km of the development site and to assess the maximum capacity and current vacancies of these facilities. The survey outlines that of the 25 no. childcare facilities within 2km of the site, of which 17 participated in the survey, that these facilities had a total capacity of 685 no. children's spaces and a current vacancy of 44 no. spaces. It is contended that this indicates that capacity exists within the surrounding area to cater for any childcare needs generated by the scheme.
- 13.1.11. In terms of the Childcare Guidelines, the requirement of 35 no. childcare spaces (133 no. 2 bed units / 75 * 20) represents 5% of the current capacity of childcare facilities in the area and is below the current vacancy rate of 44 no. spaces.
- 13.1.12. It is submitted that there is sufficient provision at present in the wider area to cater for the childcare needs of the existing and proposed residential development. There is a Giraffe Childcare facility, located immediately adjacent to the subject site, it was extended under Reg. Ref.: F07/0626 in order to increase the maximum number of child places from 85 to 118 no. places. A direct link to the laneway to the south east, through the public open space, is proposed as part of this application which will improve connectivity to the existing childcare facilities near the site, south of the rail line. It is further argued that due to the low proportion of 2 bed units in the scheme, which would require 36 no. spaces based on the Guideline's recommendations, it is unlikely to generate a significant additional demand for childcare provision to warrant an additional childcare facility.
- 13.1.13. The previous development, permitted under Reg. Ref.: FW15A/0145 for 143 no. residential units comprising 2 no. 1 beds, 131 no. 2 beds and 3 no. 3 beds, did not include for provision of a creche. It is submitted that the Giraffe Childcare facility and other childcare facilities in the vicinity of the site can provide for the proposed development and an additional childcare facility for the site is not required.
- 13.1.14. The proposed development seeks permission to up lift an existing permitted development, namely F02A/0358 and subsequent amendment to same. Government

policy regarding sustainable planning and development has changed considerably in the intervening period since the parent permission on this site. The subject site and area for the subject development have also changed dramatically. The proposed development while of generic design is of adequate quality and consistent with current policy direction towards urban and sustainable use of land close to the city centre and currently served by public transport which is proposed to be enhanced. The detail of the public transport provision and connectivity to the wider Blanchardstown area and Dublin City Centre is set out in the Transportation Assessment of this report above.

13.1.15. I consider that the proposed development takes on board policy changes and provides a solution to develop and complete the site in a logical and coherent manner to foster the creation of a vibrant and sustainable community. There is a need to increase critical mass to support services. Cognisance is had to the neighbourhood facilities in the surrounding area and to the proposal for a 211 sq. m ancillary residents community facility located within the subject scheme (of Block K&L). As referred to above in a previous section of this report the provision of a resident's community area is welcomed. I consider regard being had to the mix of units, the uplift of 68 units, the proximity of the Giraffe creche, the permitted and extant development and national planning guidance that sufficient justification has been made for the non-provision of a childcare facility in the scheme.

13.1.16. While I note the comments from third party submissions, in relation to application of national average household size to generate demand, and in relation to the lack of capacity within the area for school capacity, given the nature of the proposal, an apartment development comprising of 1 and 2 bed units, I do not consider that the demand for school places would be significant and any shortfalls in capacity would not be sufficient reason to refuse permission in this instance.

13.2. Environmental Impact Assessment

- 13.2.1. EIA is not mandatory for the proposed project and I do not consider that there is a sub-threshold requirement. The Environmental Impact Assessment Screening Report is noted and considered acceptable.
- 13.2.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

13.3. Appropriate Assessment (AA)

- 13.3.1. The proposed development site is not directly connected with, or necessary for, the management of any Natura 2000 site. No habitat loss will occur within any Natura 2000 site as a result of this proposed development.
- 13.3.2. The applicant has submitted an AA screening report which sets out that the proposed Project is to take place within the suburban environment of Clonsilla, just to the north of the Royal Canal. There is no connectivity to the nearest European site, Rye Water Valley/Carton SAC (Site Code 001398), which is located hydrologically upstream, approximately 6 km to the west of the proposed Project. The nearest European Sites with potential connectivity to the proposed Project are those associated with Dublin Bay, including South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), which are located over 11 km to the east.
- 13.3.3. The proposed Project is not in the vicinity of any rivers or streams, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data available from the Environmental Protection Agency (EPA). The nearest watercourses with connectivity to Dublin Bay are the Liffey River, which is located approximately 1.4 km to the south, and the Tolka River, which is located approximately 1.6 km to the north. Approximately 30 m to the south of the proposed Project boundary is the Royal Canal, however, it has been noted that the works are

to be contained within the boundary of the site and there are to be no discharges to any local watercourses or the Royal Canal.

- 13.3.4. The proposed Project has limited connectivity to Dublin Bay via municipal sewer for foul water and surface water. However, wastewater will be appropriately treated and there are no significant emissions predicted during the operational phase.

Table 7 European Sites located within the potential zone of impact of the Project

Conservation site name	Site Code	Distance (KM)
North Dublin Bay SAC	000206	14.42
South Dublin Bay SAC	000210	13.10
Glenasmole Valley SAC	001209	13.41
Rye Water Valley/Cartron SAC	001398	6.00
North Bull Island SPA	004006	14.41
South Dublin Bay and River Tolka Estuary SPA	004024	11.35

Table 8 The conservation aspects of the Natura 2000 Sites identified.

Natura 2000 site	Conservation Objective of each site
North Dublin Bay SAC 000206	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) Mediterranean salt meadows (<i>Juncetalia maritimi</i>) Embryonic shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes) Humid dune slacks <i>Petalophyllum ralfsii</i> (Petalwort)
South Dublin Bay SAC 000210	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes
North Bull Island SPA 004006	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>)

	<p>Teal (<i>Anas crecca</i>) Pintail (<i>Anas acuta</i>) Shoveler (<i>Anas clypeata</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Knot (<i>Calidris canutus</i>) Sanderling (<i>Calidris alba</i>) Dunlin (<i>Calidris alpina</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Curlew (<i>Numenius arquata</i>) Redshank (<i>Tringa totanus</i>) Turnstone (<i>Arenaria interpres</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Wetland and Waterbirds Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p>
Rye Water Valley/Carton SAC	<p>Petrifying springs with tufa formation (Cratoneurion)* 7220 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> (1014) <i>Vertigo moulinsiana</i></p>
Glenasmole Valley SAC	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (6210) <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) (6410) Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat (7220)</p>
South Dublin Bay and River Tolka Estuary SPA	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162]</p>

- 13.3.5. During the operational phase of the development, the main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, rainwater will either percolate to ground in green areas, or will be collected in gutters/drains and discharged to local authority sewers. Foul water will be discharged to a local authority foul sewer. There is therefore an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP. In this regard the submission by IFI, in relation to current and future capacity of the Ringsend WWTP, is noted, see section 10 of this report above.
- 13.3.6. However, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.

In Combination or Cumulative Effects

- 13.3.7. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP.
- 13.3.8. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in the Clonsilla / Porterstown Area, by the Fingal County Development Plan 2017-2023. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small uplift in units to a permitted development providing for an additional 68 residential units on serviced lands in an urban area, and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing and associated Appropriate Assessment Screening. Similarly, I note the planning

authority raised no Appropriate Assessment concerns in relation to the proposed development.

13.3.9. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment in respect of the Natura 2000 sites identified as being within the potential zone of influence of the development site, which are set out above, including the nature of the receiving environment and proximity to the nearest European sites. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

13.3.10. I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

AA Screening Conclusion

13.3.11. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites North Dublin Bay SAC 000206, South Dublin Bay SAC 000210, Glenasmole Valley SAC 001209, Rye Water Valley/Cartron SAC 001398, North Bull Island SPA 004006 and South Dublin Bay and River Tolka Estuary SPA 004024 or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommendation

14.1.1. I recommend that permission be **granted** for the proposed development subject to the following conditions:

15.0 Recommended Draft Board Order

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 02.12.2019 by Kimpton Vale of Collegefort, Carpenterstown Road, Castleknock, Dublin 15.

Proposed Development:

15.1. A planning permission for strategic housing development on a site of 3.73 hectares at Windmill, Porterstown, Clonsilla, Dublin D15. The site forms part of a partially built out development. Completed elements of the Windmill development include a mix of duplex units on the eastern part of the site and 3/4/5 storey apartment blocks in five no. blocks, on the western part of the site, to the north and east of the proposed development. The existing development site includes a substantial unutilised underground car park permitted under the parent permission. The site has been subject to groundworks but there are no buildings upon it. The railway station at Coolmine is c550m to the east of the site. The town centre at Blanchardstown is c1.4km to the north. The proposed development will consist of:

The provision of 211 no. apartments in four no. blocks (Block J, K, L and M), comprising of:

- 10 no. studio units,
- 68 no. 1 bed units and
- 133 no. 2 bed units

above an existing basement.

- Block J is a six storey block, including a penthouse level, containing 46 no. apartments.
- Block K is a six storey block, including a penthouse level, containing 46 no. apartments.

- Block L and M is an interlinked L-Shaped part six and part eight storey block, including a penthouse level, containing 119 no. apartments. A communal residents amenity space is proposed at ground floor level of Block L-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 Reg. Ref.: FW15A/0145.

15.1.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal County Development Plan 2017-2023.”

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 sites 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, (Government of Ireland, 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 Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018,
- (i) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (j) the nature, scale and design of the proposed development,
- (k) the pattern of existing and permitted development in the area and
- (l) to the submissions and observations received,
- (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 Information for Screening for Appropriate Assessment document 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

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, subject to condition, not seriously injure the visual amenity of the area, would, subject to condition, be acceptable in terms of urban design, height and quantum of development and would, subject to condition, 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.

16.0 Conditions

1. The 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 Reg. Ref. F02A/0358 and Reg. Ref. F05A/0583, unless modified or otherwise required by this grant of planning permission or any conditions contained in this schedule.

Reason: In the interest 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/An Bord Pleanála 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 amenities of the area.

5. (i) The ancillary residents community facility located on the ground floor of Block L&M shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.

(ii) 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.

(iii) Opening hours of the space shall be agreed in writing with the planning authority prior to the first occupation of the space.

(iv) (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.

(b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.

(c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either

(i) during a temporary shutdown of the specific noise source, or

(ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. An acoustical analysis shall be included with this submission to the planning authority.

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. Each apartment shall be used as a single dwelling unit, only.

Reason: To prevent unauthorised development.

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house 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

8. 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 are made available for occupation.

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

9. 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 amenity

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 243 No. 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 utilised 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.

11. 335 no. 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 An Bord Pleanála with this application, unless otherwise 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.

12. 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.

13. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV 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.

14. 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. The Greenway shall be constructed to accommodate maintenance vehicles.
- (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 detailed design quantum and location of the proposed cycle parking in the basement and on the surface and a layout that eliminates conflict between pedestrians and vehicles.
- (e) The provision of spaces for club cars and 'Go car 'or similar.
- (f) The accessibility of spaces 93,94, 176 and 95 in the basement and where necessary redesign.
- (g) The recommendations of the Road Safety Audit shall be implemented to the satisfaction of the Transportation Planning Section.
- (h) The design details of the emergency access gate.
- (i) Taking- in-charge details.
- (j) The proposed Greenway and cycle/pedestrian connections to Sheepmore Lane to the south east corner of the site and to Diswellstown Road to the north west corner of the site shall be taken in- charge.
- (k) Road Safety Audits, Stages 2 and 3 shall be undertaken and the recommendation implemented to the satisfaction of the Planning Authority

- (l) The emergency access gate shall be under the control of Fingal County Council.
- (m) 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.

15. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

16. 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 drg no. 01 (A1) Landscape Masterplan, as submitted to An Bord Pleanála as part of this 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, and shall include:

- (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 proposed development.
 - (iii) Paths on Public Open Space to be tarmacadam;
 - (iv) Taking in charge drawing to be agreed – In this regard, a clear definition between the proposed communal /private space open space and the public open space to the south is required;
 - (v) No trees within 7 metres of lamp standards and 2.5 metres from services (to be clearly stated on landscape plan);
 - (vi) The overhead wires shown on the Landscape Master Plan to be undergrounded;
- (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 interest of residential and visual amenity.

17. 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.

18. (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 6 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.

19. 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.

20. 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.

21. 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) including area(s) identified for the storage of construction refuse;

- 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 interest of amenities, public health and safety.

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

23. 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.

24. Balustrading to balconies should be safe for children. Balconies and terraces shall have unrestricted widths of 1.5m (minimum) in one useable length. Vertical privacy screens should be provided between adjoining balconies and the floors or balconies should be solid and self – draining.

Reason: In the interest of safety, privacy and residential amenity.

25. 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 interests of residential amenity.

26. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interests of traffic safety and residential amenity.

27. 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/An Bord Pleanála prior to commencement of any development.)

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

28. Prior to commencement of development, the applicant 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.

29. 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 or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

30. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions*** of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be

referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Fiona Fair
Senior Planning Inspector

09/03/2020

APPENDIX A- List of submissions received

1. Anne & Stephen Stanley
2. Helena & John Kane
3. Barry Doyle
4. Cllr Emer Currie
5. Cllr Howard Mahony
6. Cllr Roderic O Gorman
7. Joan Burton & Cllr John Walsh
8. John & Valerie Fitzgerald
9. Joyce Hayes
10. June Lawlor
11. Lynn & Lake Kee
12. Marcello & Simono Esposito
13. Michael Sherlock Bramley Wood Residents
Association
14. Paul Mc Donagh
15. Peter Townsend
16. Ruth Coppinger TD
17. St Mochtas Residents Committee
18. Irish Water
19. Waterways Ireland
20. Inland Fisheries
21. TII