



An
Bord
Pleanála

Inspector's Report

ABP-307526-20

Development	Change of use and amendments to F17A/0714 for mixed use development. 154 apartments and commercial space.
Location	Swords to Malahide Road (R106), An area known as Mountgorry, Swords, Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0521
Applicant(s)	John Aherne.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Seamount View Residents Association.
Observer(s)	None
Date of Site Inspection	13 th of October 2020.

Inspector

Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.8ha, is located on the northern side of the Swords to Malahide Road R106. The site is currently undeveloped and overgrown. Site levels vary from 22.3 at the southern site boundary to 19.8 to the north. An existing electricity cable traverses the site, running north to south along the site's western boundary.
- 1.2. Existing boundary treatment includes a mature tree line to the west and fencing to the east and south. The eastern boundary of the site is adjoined by an existing access road which serves the Applegreen service station and Costa coffee further east of the site. This access road terminates adjacent to the north eastern boundary of the site. To the west the site is adjoined by a public park and existing 2 storey residential properties at Seamount View. Swords Business Park is located to the north of the site.
- 1.3. Access to the site is provided via a gated entrance to the east of the site from the local access road. An existing access is also provided along the southern site boundary from the R106. A public footpath is provided adjacent to the southern and eastern site boundary.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises a material change of use and amendments to previous planning application F17A/0714 for a mixed use development consisting of: 4 six-storey apartment blocks containing 154 two bedroom apartments with commercial office space on the ground floor along Swords to Malahide Road (R106), a five storey corner block consisting of two-storeys of restaurant, two storeys of commercial offices and two penthouse apartments, an underground parking basement and vehicle entrance ramp for 199 car parking spaces.
- 2.2. Access to the is proposed via a new vehicular entrance from the local access road to the east of the site. The development also comprises of upgrading of the existing vehicle entrance on Swords to Malahide Road (R106) to accommodate service/emergency vehicles.

2.3. The development, as originally proposed, comprised of a six-storey mixed use development arranged in 4 no. Blocks - Block A, B, C and D. The proposed layout consisted of a series of finger blocks running east/ west parallel with the Swords to Malahide Road and spine block running along the eastern service road. A series of landscape courtyards are created between the finger blocks. The footprint of the buildings primarily reflected that permitted on site under PA Ref F17A/0714.

2.4. The following documentation was submitted in conjunction with the planning application:

- Architectural Drawings prepared by CEA Architects
- Engineering Drawings prepared by CEA Engineers
- Traffic and Transportation Assessment prepared by Transport Insights
- AA Screening prepared by Openfield Ecological Services
- Noise Report prepared by NVM Environmental and Structural Monitoring
- Landscaping Drawings and report prepared by Casey Planning and Landscape Consultancy
- Design Statement prepared by CEA Architects
- Sun Study Diagrams

Further Information lodged

2.5. Amendments to the layout of the proposal were made in response to Fingal County Council's request for further information. Revised plans and architectural drawings were submitted which indicated the following amendments:

- Revisions to the footprint of Block C to provide a 19.4m separation distance with Block D and ensure no directly opposing windows.
- Reduction in the height of Block C from 6 to 3 storey's in order to minimise overshadowing of the proposed courtyards and adjoining public park and overshadowing at no. 19 Seamount View. Revised sun study drawings are submitted which illustrate reduced overshadowing impact on the residential property at no. 19 Seamount View and on the communal open space.

- Block D was also relocated to the east to form an extension of Block B on foot of concerns raised by the planning authority in relation to insufficient separation distances between Block D and the western site boundary.

2.6. The overall number of apartments within the scheme was reduced to 140 as a result of the proposed revisions. The following documentation was submitted in response to the request for further information:

- Revised Architectural Drawings illustrating redesigned and relocated Block C – reducing from 6 to 3 storeys and relocation of Block D
- Revised Landscaping Drawings
- Revised photomontages
- Water Services Report
- Mobility Management Plan
- Revised Traffic and Transportation Assessment
- Bat Assessment
- Sun Study Drawings
- Arboricultural Report
- Ecological Impact Assessment – Openfield Ecological Services

3.0 **Planning Authority Decision**

3.1. **Decision**

Fingal County Council issued a decision to grant permission for the development subject to 23 no. conditions. The following conditions are of note:

- Condition no. 3: Block C shall be omitted from the proposed development. The proposed residential element of this decision permits 128 two bed units.
- Condition no. 4: The use of the commercial units of ground floor of Block A shall be subject to a separate planning application to determine the exact use.
- Condition 5: (a) revised basement layout (b) toucan crossing shall be provided at the junction of the roundabout with the northern arm of the roundabout tying into the proposed footpath and cycle path.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (9th of January 2020).

- All apartments comply with the floorspace and amenity space requirements of the Design Standards for New Apartments.
- 104 of the proposed apartments are dual aspect (67%) and single aspect apartments face south and southwest.
- Passive surveillance from restaurant units should be provided along the covered walkway.
- Greater separation distance required between Block D and the adjacent mature trees.
- Spring sun study drawings illustrate overshadowing from Block C at no. 19 Seamount View at 9am which is deemed unacceptable.
- Concerns raised relating to Block C in respect of substandard residential 5m separation distance between residential balconies, lack of usable communal open space, overshadowing impact of rear garden area at Seamount View, overshadowing of communal open space and play areas. Revised drawings should be submitted which omit Block C from the development.

A request for further information was issued in respect of the following:

- Revised Drawings illustrating omission of Block C
- Greater separation distance between Block D and western boundary.
- Revised drawings for the restaurant unit to provide glazing/ passive surveillance of the covered walkway.
- Demonstrate demand for occupation of ground floor commercial units.
- Transportation requirements – Traffic and Transportation Assessment, revised basement layout, revised car park layout showing segregation of residential and commercial car parking, minimum footpath width of 1.8m and cycleway, mobility management plan for office units, electric vehicle charging points.

- Water Services requirements.
- Revised landscaping report and drawing showing details of play equipment, boundary details, details of western pedestrian access.
- Tree Survey, Ecology Report and Bat Survey.
- Revised drawings creating stronger road frontage to Block D, dividing balustrades for balconies between separate units.
- Clarification in relation level change on eastern elevation and pedestrian access.

FI Planner's Report (18th of June 2020)

- Block C should be omitted from the development on grounds of overdevelopment of the site and concerns relating to the quantum and quality of open space.
- Proposed relocation of Block D is acceptable and provides for a stronger road frontage.

Recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

- Parks: Initial report recommended a request for additional information. Report on additional information recommended grant of permission subject to conditions.
- Transportation Planning Section: Initial report recommended a request for additional information. Report on additional information recommended clarification of further information or grant of permission subject to conditions.
- Water Services: no objection subject to condition
- Housing Department: no objection subject to condition.
- Environmental Health Officer: no objection subject to condition.
- Archaeologist: no objection.

3.3. Prescribed Bodies

Irish Water – no objection subject to condition

3.4. Third Party Observations

An objection to the proposal was received from Seamount View Residents Association. The following provides a summary of the points raised:

- Concerns relating to scale and depth of proposal. 6 storey heights incompatible with the surrounding area.
- Objection to provision of access through public park.
- Concerns relating to increase in apartment nos. and reduction in car parking provision. No provision for office/ restaurant employees
- Transportation Concerns – traffic impact, insufficient space for cycle lane
- Requests building is restricted to a moderate level to protect residential amenity of adjoining residential areas.

3.5. A further submission was received from the Seamount View Residents Association on the applicant's response to the request for further information which expressed concerns in relation to the proposed modifications to Block C in place of its omission.

4.0 Planning History

Appeal Site

PA Ref F17A/0714 Planning permission granted by Fingal County Council in August 2018 for a mixed use commercial and residential development on the site. The permitted development comprised of the following:

- 59 no. residential units.
- 6,177 sq.m. of office floorspace
- 332 sq.m. of restaurant floorspace

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Fingal County Council. The Fingal County Development Plan 2017-2023 is the operative Development Plan. Variation no. 2 of the Fingal County Development Plan 2017-2023 was adopted by Fingal County Council on the 19th of June 2020. The purpose of the variation is to align the Fingal Development Plan with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).

Fingal County Development Plan 2017-2023

Settlement Hierarchy

- 5.1.2. The appeal site is located within the development boundary of Swords. Swords is designated as a Key Town within the County Settlement Strategy. The Development Strategy for the town as set out within the Development Plan is of consolidation, active land management, employment generation and residential development centred around regeneration of the town centre and high-quality public transport in the form of Metrolink and Busconnects.
- 5.1.3. Table 2.4 “Total Residential Capacity provided under the Fingal Development Plan 2017-2023, updated September 2019” identifies capacity for 14,799 units in Swords.

Zoning Objective

- 5.1.4. The site is zoned for ME purposes “Metro Economic Corridor” purposes within the Fingal County Development Plan. This zoning objective seeks to *“facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor”*.
- 5.1.5. Residential is listed as a use which is permitted in principle on lands zoned for ME purposes. Uses including restaurant, office, retail local less than 150 sq.m. and supermarket less than 2,500 sq.m. are also listed as permitted in principle.
- 5.1.6. The vision for “Metro Economic Corridor” zoned lands as set out within the County Development Plan seeks to *“Provide for an area of compact, high intensity/density, employment generating activity with associated commercial and residential*

development which focuses on the Metro within a setting of exemplary urban design, public realm streets and places, which are permeable, secure and within a high quality green landscape. Landmark buildings will provide strong quality architectural features, which respect and enhance the character of the area into which they sit. The designated areas will form sustainable districts which possess a high degree of connectivity and accessibility and will be developed in a phased manner subject to the necessary provision of social and physical infrastructure”.

5.1.7. The Development Plan outlines that The Metro Economic (ME) zoning is a specific zoning created to respond to the provision of the Metro rail connection from Dublin City to Swords via Dublin Airport. The purpose of the zoning is to facilitate opportunities for high-density mixed-use employment, commercial and residential along and adjacent to the Metro route through the County.

5.1.8. The ME zoning is one of the largest economic development zonings in Fingal with 390 ha of ME zoned lands located principally in Santry/ Ballymun and in strategic locations in the Swords area, including the strategic land bank at Lissenhall. Within the lifetime of the Development Plan, it is intended to prepare a LAP at Lissenhall and a number of Masterplans for ME zoned lands located at Estuary West, Estuary Central and Estuary East Northwood, Seatown North and Seatown South and Watery Lane.

Masterplan Area

5.1.9. The appeal site is located within the Seatown South Masterplan Area (MP 8F). The following objectives are of relevance:

- Objective Swords 27: Prepare and/or implement the following Local Area Plans and Masterplans during the lifetime of this Plan: Seatown South Masterplan (see Map Sheet 8, MP 8.F).
- Objective ED98: Prepare Local Area Plans and Masterplans within the lifetime of the Development Plan for strategically important Metro Economic zoned lands in collaboration with key stakeholders, relevant agencies and sectoral representatives.

- Objective ED99: Protect the integrity of the Metro Economic corridor from inappropriate forms of development and optimise development potential in a sustainable and phased manner.
- Objective ED100: Ensure high quality urban design proposals within the Metro Economic zoning, incorporating exemplary public spaces, contemporary architecture, and sustainable places within a green landscape setting.

5.1.10. Section 4.2 of the Development Plan lists the main elements to be included key Masterplans. The following is identified for Seatown South.

- Future development shall provide a strong urban edge with attractive elevations which satisfactorily address, overlook and provide a high degree of informal supervision of the R132 and the east-west distributor road going through Swords Business Park.
- Provide for an appropriate relationship and integration of development with the R132 and the indicative route for new Metro North at this location.
- Provide for a vehicular connection between the subject lands and the Malahide Road.
- Higher/denser development shall provide a key urban edge adjoining the R132 and the east west distributor road.
- Lower density family houses may be considered along the southern parts of these lands adjoining existing residential development.
- Provide for the protection of the residential amenities of existing housing adjoining the subject lands by minimising visual intrusion, overlooking and overshadowing and additional traffic.
- Retain and consolidate existing trees and hedgerows within and bounding the Masterplan lands in as far as is practicable.
- Develop direct, attractive and overlooked pedestrian and cycle routes, within the subject lands and connecting these lands to the indicative route for new Metro North; Swords town centre and the Malahide Estuary.
- Provide for appropriate uses and layout on lands adjoining the M1.

- Reserve a school site as required in conjunction with the Department of Education and Skills.

Mapped Objectives:

- 5.1.11. A roads objective is indicated to the south of the site along the R106. A cycle route objective is also identified along the R106. This objective relates to the Greater Dublin Area Cycle network.
- 5.1.12. Objective MT14 of the County Development Plan outlines that the Council will work in cooperation with the NTA and adjoining Local Authorities to implement the Greater Dublin Area Cycle Network Plan subject to detailed engineering design and the mitigation measures presented in the SEA and Natura Impact Statement accompanying the NTA Plan.

Relevant Objectives:

- 5.1.13. The following objectives of the Development Plan are of relevance:
- Objective SS12 Promote the Key Town of Swords and the Metropolitan Area of Blanchardstown, respectively, as Fingal's primary growth centres for residential development in line with the County's Settlement Hierarchy.
 - Objective SS13 Facilitate the provision of sufficient employment, retail, community and cultural facilities to serve the growing residential communities of Swords and Blanchardstown
 - Objective SS14 - Promote the continued sustainable development of Swords and Blanchardstown as core economic areas for enterprise in partnership with relevant State agencies.
 - Objective SS 02b - Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centre lands where infrastructural capacity is readily available, and they are along an existing or proposed high quality public transport corridors and on appropriate infill sites in the town centres, in a phased manner alongside the delivery of appropriate physical and social infrastructure.

- Objective ED84- Support economic growth within the Metropolitan Area through consolidating, strengthening and promoting the strategic importance of the major urban centres of Swords and Blanchardstown and of key employment locations such as Dublin Airport and Dublin 15.

Development Management

- DMS03 – Design statement for residential development in excess of 5 units or 300 sq.m. of retail/office/commercial development.
- Objective DMS28 - A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- Objective DMS57A - Require a minimum 10% of a proposed development site area be designated for use as public open space.
- Objective DMS75- Provide appropriately scaled children’s playground facilities within residential development.
- Objective DMS121- Allow high-density development along the indicative route for new Metro North corridor, in accordance with the land-use plans of the Council.

5.2. Regional Spatial and Economic Strategy for the Eastern and Midlands Assembly 2019-2031

- 5.2.1. The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. The Growth Strategy for the Eastern and Midland Region supports the continued growth of Dublin as the national economic engine and seeks to deliver sustainable growth of the Metropolitan Area through the Dublin Metropolitan Area Strategic Plan (MASP).
- 5.2.2. Fingal is identified in the RSES within the Dublin Region and partly within the MASP area, the area outside the MASP boundary is in the Core Region. Swords is located within the Metropolitan Area as defined by the RSES.

5.2.3. The settlement hierarchy for the region is set out within Table 4.2. At the top of the hierarchy is Dublin City and Suburbs, followed by Regional Growth Centres, Key Towns, Self Sustaining Growth Towns, Self-Sustaining Towns, Towns and Villages and Rural areas. Swords is designated as a Key Town within the settlement hierarchy. RPO 4.27 of the RSES outlines that *“Key Towns shall act as economic drivers and provide for strategic employment locations to improve their economic base by increasing the ratio of jobs to workers”*.

5.3. **Section 28 Ministerial Guidelines**

5.3.1. 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 Sustainable Urban Housing – Design Standards for New Apartments 2018, ‘Design Manual for Urban Roads and Streets’ 2013 and The Planning System and Flood Risk Management’ Guidelines.

5.4. **Natural Heritage Designations**

5.4.1. The appeal site is not located in or in the immediate vicinity of any sites with a natural heritage designation. The site is located c. 1km to the south of the Malahide Estuary pNHA, SPA (Site Code: 004025) and SAC (Site Code: 000205). The Feltrim Hill pNHA is located c 1.6km to the south of the site.

5.5. **EIA Screening**

Having regard to the nature and scale of the proposed development and the absence of any connectivity to any 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received by Seamount View Residents Association. The following provides a summary of the points raised.

- Traffic congestion, accidents in area, concerns relating to the proximity of the proposed crossing in close proximity to the Mountgorry Roundabout, concerns relating to timing of traffic survey during school holidays, concerns relating to footpath widths, concerns relating to service entrance in proximity to existing traffic lights.
- Proposed 6 storey height is not in line with existing building heights in the area at c. 3 storeys.
- Area is becoming an industrial redevelopment zone
- No requirement for turnstile entrance or removal of mature trees to accommodate this entrance on foot of the omission of Block C.
- Flooding concerns relating to multi storey and underground car park
- Electricity cables
- Concerns regarding proposed use of commercial units on ground floor being subject to separate application.
- Clarification relating to the agreement with Housing Authority.
- Impact on residential amenity – access facilitated through existing open space, Impact on sunlight and daylight, noise and light will dominate the , growth in antisocial behaviour.

6.2. Applicant Response

A response to the third-party appeal was received by J.G. Consulting on behalf of the applicant. The following provides a summary of the points raised.

- Access and Transportation issues: Reference to collisions in area is factually incorrect. Condition 5 (b) of Fingal County Council's decision relates to access

road off the Mountgorry roundabout. Traffic survey was carried out on 21st of March 2018 not during summer holidays.

- No proposal to widen Malahide or Swords Road as party of the application. All works will be undertaken within the application site boundary.
- Under PA Ref F17A/0714 planning permission was granted for 4 storey/ 5 storey development. While the subject application includes buildings of 6 storeys, there will be no material change in overall height.
- Overall footprints of the development has been amended by the removal of Block C. Requested that cognisance be given to the fact that Block C was previously permitted by Fingal County Council under PA Ref F17A/0714.
- Appeal site is capable of achieving a mix of uses including residential development in accordance with its zoning objective.
- Sufficient distance provided between proposed service entrance and existing toucan crossing.
- Turnstile crossing provides access to a public park under the control of Fingal County Council. Tree protection measures will be put in place and agreed with the planning authority.
- Principle of a basement car park established under PA Ref F17A/0714. Water services department have no objection to principle of proposal. No history of flood events in the area.
- Electrical issues are an issue for ESB.
- It is not in the interest of the applicant to keep empty ground floor units in the scheme. Use will be subject to application with planning authority once occupiers are identified.
- In principle agreements relating to Part V have been agreed with Fingal County Council.
- Park to the west of the site is in charge by Fingal County Council not for exclusive use of residents of Seamount View.
- Sun study analysis demonstrates no negative impact on neighbouring properties.

- Proposed lighting will not be internally illuminated. Noise survey submitted in conjunction with the application. Conditions restrict noise during construction phase of the development. Once operational there are strict hours for deliveries.
- Proposal will not give rise to anti-social behaviour.

6.3. **Planning Authority Response**

- Scale and height of the proposal is considered acceptable and provide strong urban road frontage, Block C was omitted as it would result in substandard overdevelopment resulting in an unacceptable reduction in communal open space on site for future residents.
- Proposed “kissing gate” is welcomed to facilitate access to the public park and enhance permeability and enable access to the commercial units for Seamount View.
- Transportation Planning Section has no objection to the location of the emergency vehicular access, cycleway or footpath. A more representative traffic survey cannot be undertaken in light of current travel restrictions and
- Water services department has no objection to the principle of the proposal subject to condition.
- Electricity cables and circuits are a matter for other bodies.
- Applicant required to enter into Part V agreements with the planning authority.
- Specific reference is made to the requirements of Conditions attached to the planning authority’s decision including use of commercial units, revised basement plan, toucan crossing and service entrance and tree bond.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with Zoning Objective
- Height
- Impact on Residential Amenity
- Access and Transportation Issues
- Flood Risk – Basement Car Park
- Appropriate Assessment

7.2. Compliance with Zoning Objective

- 7.2.1. The appeal site is located within the development boundary of Swords and zoned for ME purposes “Metro Economic Corridor” purposes within the Fingal County Development Plan. This zoning objective seeks to *“facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor”*.
- 7.2.2. The subject application relates the development of a mixed use residential and commercial development on the site with residential development being the predominant land use. A case is made within the third-party appeal that residential development is inconsistent with the Metro Economic Corridor zoned lands which is becoming an industrial redevelopment zone.
- 7.2.3. In considering the grounds of appeal I note that residential use is listed as a use which is “permitted in principle” on lands zoned for ME purposes and the principle of residential development on the site has previously been established under the previous permission pertaining to the site PA Ref. F17A/0714. I have no objection to the principle of residential development as part of a mixed-use development on the site on this basis. I consider that the appeal site is capable of achieving a mix of uses including residential development in accordance with the site’s ME zoning objective

and the proposed residential use would contribute to a wider mix of uses within the wider ME zoned lands.

7.3. Height

- 7.3.1. A case is made within the third-party appeal that the height of the proposed development at 6 storeys is not in accordance with existing pattern of development in the area which is ranges from 2 to c. 3 storeys.
- 7.3.2. The appeal site is currently undeveloped. The proposed blocks, as amended in response to the planning authority's request for further information, are arranged in a permitter block format along the southern and eastern site boundaries and have a maximum height of 18.58m. The proposed centrally located Block C has a proposed height of 9.5m.
- 7.3.3. The contextual elevations (Drawing no. A-00004-P02) illustrate the relationship of the proposal to the adjoining land uses. The existing character of development in the area includes 2 storey dwellings at Seamount View (6.495m) to the west of the site and a 3-storey apartment development (10.075m) to the south of the site at the opposite side of the R106. To the east, the appeal site is adjoined by an existing single storey petrol filling station.
- 7.3.4. In response to the grounds of appeal the applicant has made a case that the principle of a 5 storey development on the site has been established under PAF17A/0714 and no material change of height is proposed over and above that previously permitted on the site. An outline of the previously permitted development is illustrated on the contiguous elevations submitted in conjunction with the application (Drawing no. A-00004-P02).
- 7.3.5. Having regard to the planning history of the site, the ME zoning objective pertaining to the site which seeks to provide for "high density mixed use development", the location of the site at the junction of the R106 and access road to the east and separation distances between the site and adjoining landuses I do not consider the proposal to represent an abrupt transition in scale which would render it visually incongruous with the existing character of development in the area.
- 7.3.6. Sun study diagrams are submitted in conjunction with the application which illustrate the overshadowing impact of the proposal. Drawings nos. 00008-P02 to 00010-P02

illustrate shadows cast by the proposed development at 9am, 12pm and 4pm in Spring, Summer, Autumn and Winter. These illustrate no significant overshadowing impact on adjoining areas including the communal open space proposed within the development.

- 7.3.7. Having regard to the above reasons and considerations and the planning history of the site I consider the principle of the proposed height of the development to be acceptable at this location.

7.4. Impact on Residential Amenity

- 7.4.1. Concerns relating to the impact of the proposal on residential amenity are set out within the appeal from the Seamount View Residents Association. These are raised on grounds of proposed access to public park, noise impact, construction phase impact, use of commercial units, impact of proposed signage and antisocial behaviour.
- 7.4.2. Seamount View is located to the west of the appeal site and separated from the appeal site by an existing public park which directly adjoins the western boundary of the site. The architectural drawings illustrate a minimum separation distance of 38.375m between the appeal site boundary and the nearest residential property at no.30 Seamount View. The proposed blocks are furthermore set back at a minimum distance of 5m from the western site boundary.

Noise

- 7.4.3. The third-party appeal raises concern in relation to both the construction and operational phase noise impact associated with the proposed development. A noise report prepared by NVM Limited was submitted in conjunction with the planning application. This identifies that the baseline noise environment in the vicinity of the site is dominated by traffic on the R106 and the motorway and sets out noise insulation measures for the proposed apartments.
- 7.4.4. No objection to the proposal was raised within the planning authority's Environmental Health Officers report subject to conditions relating to both the construction and operational phase of the development. Condition nos. 17 and 19 of the planning authority's notification of decision to grant permission for the proposal relates to construction and operational phase noise limits. Condition no. 17 (b) sets out noise

limits to be adhered to at nearest noise sensitive receptors during the operational phase of the development and 17(f) relates to restrictions on deliveries. Condition 19 details construction hours.

- 7.4.5. The proposed development comprises a mixed use residential and commercial scheme. The predominant land use is residential and office/restaurant uses are confined to the south eastern corner of Block A at the junction of the R106 and the eastern access road. The distance of these proposed uses from the nearest residential property at Seamount View would negate against noise impact.
- 7.4.6. The use of the 5-no. ground floor commercial uses will be subject to a separate planning application to Fingal County Council in accordance with the requirements of Condition no. 4. Potential noise impacts associated with such uses would be considered as part of any future application. I furthermore note the requirements of Condition no. 17 (g) which details measures to negate against noise emissions in the event of the use of any of the commercial units as a gymnasium.
- 7.4.7. I consider that the requirements of Conditions 17 and 19 are sufficient to mitigate against any noise impact on adjacent residential properties associated with the construction and operational phase of the proposed development.

Lighting

- 7.4.8. A case is made within the third-party appeal that overspill from lighting within the development will impact on the residential amenity of the area. In considering this point I note at the outset that the appeal site is located on zoned land within the urban development boundary of Swords and public lighting is provided in the vicinity of the site along the R106.
- 7.4.9. The proposed development relates to a mixed use residential and commercial development. In most instances, the upper floors of the proposal are proposed as residential use. I do not envisage any issue with light spillage associated with this use.
- 7.4.10. 5 no. commercial units are proposed at ground floor level fronting onto the R106 in Block A. In accordance with the requirements of Condition 4 of the planning authority's decision the exact use of these premises will be subject to a separate application to Fingal County Council. A restaurant is proposed at ground and first

floor of the in the south eastern corner of Block A. Office accommodation is provided at the 2nd, 3rd and 4th floor of the block. Having regard to the distance of these proposed uses from Seamount View I do not foresee any impact associated with any proposed lighting at this location.

- 7.4.11. Signage panels are identified on the southern eastern and eastern elevation of Block A. I note the requirements of Condition no. 15 of the planning authority's decision which outlines that signage shall not be internally illuminated. I consider the requirements of this condition to be sufficient to negate against lighting overspill on the surrounding area.

Proposed Access to Open Space

- 7.4.12. The third-party appeal raises concerns in relation to the provision of a pedestrian entrance "kissing gate" from the appeal site to the existing park to the west of the site. The existing park forms the eastern boundary of Seamount View and is currently accessed from the estate. The appeal cites concerns relating to the impact of the proposed entrance on security, privacy and impact of the proposed entrance on the existing tree line boundary treatment. It is suggested in the appeal that the park is for exclusive use of the residents of Seamount View.
- 7.4.13. The existing park is zoned for open space purposes within the Fingal County Development Plan. The applicant has made a case that the proposed entrance from the site to the public park was included based on the requirements of the Parks Department of Fingal County Council and outlines that the park is in the ownership of the local authority and not for the exclusive use of residents of Seamount View.
- 7.4.14. Details of the location of the proposed "kissing gate" are set out within the Landscape Plan LP001 prepared by Casey Planning and Landscape Consultancy. Drawing nos. A052-P02 and A053-P02 include a 3D view and Plans and Elevations of the proposed access gate. The proposed entrance is 2.3m wide, 2.3m high and incorporates a turnstile and wheelchair accessible gate. Lighting in the form of a wall lamp is provided.
- 7.4.15. The impact of the entrance on existing trees adjacent to the sites western boundary is addressed within the Arboricultural Assessment submitted in response to Fingal County Council's request for further information. Existing trees within the vicinity of the proposed access gate (labelled G15 in drawing no. 200116-P-11) are identified

as Category B trees i.e. “trees of moderate quality” within the Arboricultural Assessment. These trees are not identified for removal within the Arboricultural Assessment.

- 7.4.16. In considering the appellants concerns relating to privacy/ security issues with the proposed access gate I note that security arrangements for access to the gate are detailed within the applicant’s response to the request for further information. This outlines that the access will be controlled with a security access code and/or a swipe card system. On this basis I note that the access gate will not be available for use of the general public but for exclusive use of residents of the scheme.
- 7.4.17. I would furthermore highlight that there are no restrictions on access to the public park from Seamount View at present. The eastern boundary of the public park is defined by a mature tree line boundary where it adjoins existing residential properties at Seamount View. I do not consider issues of privacy associated with the residential units and access to the park arise in this context.
- 7.4.18. On the basis of the above I have no objection to the principle of the proposed pedestrian access from the appeal site to the public open space to the west. The access will enhance permeability between the development site, the existing public park and adjoining residential area.

Antisocial behaviour

- 7.4.19. In terms of the reference in the appeal to anti-social behaviour, I do not consider that redevelopment of an existing derelict, overgrown site within the development boundary of Swords together with the provision of active ground floor uses will lead to an increase in instances of anti-social behaviour in the area.

Use of commercial units

- 7.4.20. Concerns are raised within the appeal in relation to the proposed use of the commercial units being subject to a separate planning application in accordance with Condition 4 of the planning authority’s decision. I note that the use of the proposed units were subject to clarification by the planning authority within the request for further information. The applicant outlined that occupiers for the units would be identified in the instance that planning permission is granted for the development. I have no objection to the requirements of Condition no.4 on this basis.

7.4.21. Having regard to the existing site context, adjoining uses, orientation, the separation distances involved and the design of the proposed development, I am satisfied that the proposed development would not seriously injure existing residential amenities of the area.

7.5. Access and Transportation Issues

7.5.1. A range of access and transportation related issues are raised within the third-party appeal. Concerns raised relate to traffic impact and safety, location of service entrance and proposed pedestrian crossing, footpath widths and access to existing park to the west of the site.

7.5.2. The appeal site is located to the north of the R106 and is currently accessed from the local access road to the east of the site. This local access road forms one arm of the existing R106/Mountgorry Way 4 arm roundabout. An existing gated entrance is provided along the north eastern site boundary. The speed limit on the access roads adjacent to the site is 50kmph.

7.5.3. Vehicular access to the site will be provided in the vicinity of this existing access in the form of a priority junction with the local access road. A 2-way 10m wide ramp with a gradient of 1:10 providing access to the basement car park is proposed. A further maintenance/ emergency vehicle access is proposed at the south western boundary of the site from the R106.

Traffic Impact

7.5.4. A Traffic and Transportation report prepared by Transport Insights was submitted in conjunction with the planning application and a revised Traffic and Transport Assessment was submitted in conjunction with the response to the planning authority's request for further information.

7.5.5. The robustness of the Traffic Assessment is questioned within the 3rd party appeal and concerns relating to the traffic impact of the proposal on the already congested local road network are raised. A case is made that the traffic surveys which inform the assessment are outdated and were undertaken outside of school term when traffic flows were quieter and therefore does not provide an accurate representation of existing traffic congestion in the area.

- 7.5.6. The applicant, in responding to the grounds of appeal, has stated that contrary to the appellants assertion that surveys were not undertaken outside of the school term. Section 3.4 of the TTA identifies that surveys were undertaken on the 21st of March 2018 between the hours of 07.00am to 10am and 4pm to 7pm. Fingal County Council's response to the grounds of appeal outlines that updated traffic surveys would not provide a true representation of traffic flows on the adjoining road network in light of current travel restrictions. I share the views of the planning authority in this regard.
- 7.5.7. The Traffic and Transportation Assessment identifies that the am peak on the local road network is between 8am to 8.59am and the pm peak between 5pm and 5.59pm. The TTA estimates that the proposed development will generate 46 additional 2 way trips during the AM peak and 55 additional 2 way trips during the PM peak. Section 4.4 of the TTA outlines that this compares with the 53 trips during the am peak and 50 trips during the pm peak in the development permitted under PA F17A/0714.
- 7.5.8. It is stated that the proposed development will result in a 1.9% increase in traffic at the R106/Mountgorry Way Roundabout during the AM peak and a 2.2% increase in traffic during the PM peak. It is concluded that the proposal will have no material impact on the operation of the local road network.
- 7.5.9. Existing traffic congestion on the adjoining road network is acknowledged within the Transportation Planning Section report. The report questions the assumptions set out within the Traffic and Transportation Assessment in particular in relation to the TRICS data and highlight the fact that traffic impact of the proposal is not assessed on the basis of 5 and 15 years plus opening as set out within the Traffic and Transportation Assessment Guidelines.
- 7.5.10. Notwithstanding the concerns raised, the planning authority acknowledge that the resolution of capacity issues at the roundabout is outside of the applicants control and no objection to the principle of the proposal is raised subject to condition. Specific conditions are attached to the planning authority's decision which promote the enhancement of walking and cycling network in the vicinity of the site which would further encourage a modal split.

- 7.5.11. On review of the TTA, I note that traffic volumes associated with the proposal during the AM and PM peak are lower than those previously permitted. While I acknowledge the point raised by the planning authority that a development plus 5 year and 15 year is not presented within the TTA I note a justification for this is provided within Section 5.1 of the Traffic Assessment which cites the planned delivery of the MetroLink scheme by 2027 which would give rise to a modal split. I consider this assumption to be reasonable.
- 7.5.12. The proposed development includes provision for 195 no. car parking spaces at basement level. The basement plan outlines that the parking spaces will be allocated as follows:
- 141 no. spaces to the proposed 140 no. residential units
 - 20 no. spaces to the commercial space
 - 34 no. spaces to restaurant floorspace
- 7.5.13. A Mobility Management Plan for the proposed office floorspace was submitted in response to Fingal County Council's request for further information. This estimates that the proposed commercial space will accommodate c. 100 employees. Table 4.1 of the report identifies the Modal Split within the vicinity of the site having regard to the 2016 Census results as follows 48% by car, 17% public transport, 8% on foot and 2% via bicycle.
- 7.5.14. The MMP identified that the restriction of parking on site to 20 commercial spaces will result in high level of staff travel via sustainable transport modes. In this regard, the MMP identifies that footpaths are provided in the vicinity of the site, a cycle lane is provided along the sites eastern boundary and the site benefits from public transport connections with 3 no. bus routes within 500m of the site (routes no.142 along R106, no. 43 Drynam Road, 102 (R106)). Future public transport connections within the area will include the proposed MetroLink which is located c. 1km to the west of the site and improvements to local connectivity to public transport in the area under Bus Connects.
- 7.5.15. Section 5.4 of the Mobility Management Plan identifies measures that will be put in place by the applicant to promote travel by sustainable modes. Such measures

include provision of secure and sheltered cycle parking facilities and staff travel cards for public transport.

- 7.5.16. While I acknowledged the constraints on the surrounding road network, it is my view that the potential number of trips generated by the proposed development would not have a significant impact on the capacity of the network over and above the development previously permitted on site and that the proposed development would not result in a traffic hazard or generate any road safety issues.

Condition 7 - Service Entrance

- 7.5.17. Condition 7 of the planning authority's decision outlines that the proposed service entrance shall be kept clear and free from obstruction at all times. The third-party appeal outlines that compliance with the requirements of Condition no. 7 is not possible due to the proximity of the proposed entrance to the existing traffic lights and suggests that the service access should be relocated. A case is made that the proposed access will result in obstruction and traffic congestion.
- 7.5.18. The applicant, in responding to the grounds of appeal, has made a case that the principle of access to the site from this location is established and historically formed the only access point to the site (as evidenced by the existing dished kerbing). A case is made that the access will not be frequently used.
- 7.5.19. The proposed service access is located at the south eastern corner of the appeal site over 5m from the existing pedestrian crossing. I have no objection to the proposed location of the service entrance having regard to the infrequency of its use as an access for emergency vehicles which in all instances would take priority over all other road users.

Condition 5(b) – Toucan Crossing

- 7.5.20. Further concerns are raised in relation to the requirements of Condition 5(b) of the notification of decision of Fingal County Council to grant permission for the proposal. This condition outlines that *"a toucan crossing shall be provided at the junction of the roundabout with the northern arm of the roundabout tying into the proposed footpath and cycle path...the design shall be agreed in writing with the planning authority"*.

- 7.5.21. A case is made within the appeal that the requirements of Condition 5(b) will result in the provision of a second pedestrian crossing along the R106 in close proximity to the Mountgorry roundabout leading to a safety hazard and further congestion.
- 7.5.22. The applicant's response to the grounds of appeal outlines that the proposed crossing does not relate to the R106 but to the northern arm of the roundabout at the junction with the access road. The crossing will facilitate both pedestrians and cyclists crossing the roundabout. The location of the proposed crossing is illustrated on the Site Layout Plan Drawing no.19093-00002- P02.
- 7.5.23. The proposed crossing was included on foot of requirements of the Transportation Department in Fingal County Council. In accordance with the requirements of Condition 5(b) of the planning authority's decision outlines that final details for the design of the crossing shall be subject to agreement with Fingal County Council.
- 7.5.24. I have no objection to the provision of the crossing along the local access road and given its set back from the roundabout I do not have concerns in relation to the impact of the crossing on traffic flows on the adjoining road network.

Footpath Widths, Cycle lane and Building Line

- 7.5.25. The appeal refers to the proximity of the proposed building line to the existing public footpath and identifies insufficient footpath widths for pedestrians and vulnerable users. A case is made that there is no space for a cycle lane of 1.5m. The application documentation identifies that existing footpath widths in the vicinity of the site are 1.8m along the R106 and 1.5m adjacent to the eastern access road.
- 7.5.26. The zoning map illustrates a roads objective to the south of the site along the R106 and the road is identified as part of the GDA Cycle Network Plan. The GDA Cycle Network Plan identifies a Primary/Secondary Cycle Route "SW3" along the R106 and a feeder route along the local access road to the east of the site as illustrated within the attached presentation document. Route SW3 is identified as Brackenstown/ Main Street / Pavilions / R106 Malahide Road within the Plan.
- 7.5.27. The requirement for the provision of a cycleway in accordance with the National Cycle Manual adjacent to the site boundary was raised by Fingal County Council within the request for further information. In response the applicant submitted a

revised site layout plan (Drawing no.19093-00002- P02) which includes provision for a 2.5m cycleway and 1.8m footpath.

- 7.5.28. Block A is set back over 6m from the application site boundary to the south of the site. However, I note that the application boundary as illustrated within the Site Layout Plan extends to include the existing public footpath along the R106 to the south of the site. The Site Layout Plan indicates the provision of a cycle lane in place of the existing public footpath and the provision of a pedestrian footpath to the north of the existing footpath within the site boundary.
- 7.5.29. While I have no objection in principle to the provision of a cycle lane and consider the delivery of same to be in accordance with the GDA Cycle Network Plan and Objective MT14 of the County Development Plan I have concern in relation to the layout as currently proposed. The cycle lane as proposed would displace the existing public footpath to within the site boundary to facilitate the piecemeal delivery of a Primary/ Secondary cycle route and could potentially lead to conflicts between cyclists and pedestrians.
- 7.5.30. There is no reference in the planning authority reports to taking in charge of the proposed relocated footpath and this may not be facilitated having regard to the extent of the basement car park as illustrated on the Basement Plan (Drawing no. 19093-0010-P02) which extends beneath the existing public footpath along the southern site boundary. A clear zone for services below the footpath and cycle lane is identified along the eastern site boundary but this does not appear to be observed along the southern site boundary. I consider that this point should be addressed within a revised basement layout.
- 7.5.31. Notwithstanding the above, I consider that the building line of Block A is sufficiently set back to accommodate both a public footpath and cycle path. In my view further consideration needs to be given to the design of the cycle lane and its tie in with the adjacent public footpath to the west of the site. This point should be agreed via detailed design with the planning authority.

7.6. Flood Risk – Basement Car Park

- 7.6.1. Concerns relating to flood risk associated with the proposed basement car park are raised within the third-party appeal. A case is made that the area is built on a

floodplain and the area is unsuitable for a basement car park and multistorey development.

- 7.6.2. The proposed basement has a depth of 3.6m and is proposed to accommodate car parking associated with the development. Access to the basement is proposed via a ramped entrance from the local access road to the east of the site. The footprint of the basement extends to cover the majority of the appeal site and was set back from the western site boundary by a minimum of 4m in response to Fingal County Council's request for further information to reduce impact on the existing tree line boundary to the west of the site. The revised basement layout is illustrated on Drawing no. 19093-0010-P02.
- 7.6.3. In considering the grounds of appeal I note that no concerns relating to the principle of the provision of a basement car park were raised by the planning authority on grounds of flood risk. The report on file from the Water Services Department raised no objection to the proposal subject to conditions. I furthermore note that the principle of a basement car park was established under PA Ref F17A/0714.
- 7.6.4. The appeal site is not identified within a Flood Zone Area within the Strategic Flood Risk Assessment undertaken to inform the Fingal County Development Plan 2017-2023. The updated OPW flood risk maps for the area do not identify the site as being at risk of flooding and no history of flooding on the site or within the immediate vicinity is identified.
- 7.6.5. Having regard to the above reasons and considerations I have no objection to the provision of a basement car park at this location and see no evidence to substantiate the appellants assertion that the area is at risk of flooding.
- 7.6.6. I note the requirements of Condition no. 5(a) of Fingal County Council's notification of decision to grant permission for the proposal which requires a revised basement car park layout with fully accessible parking spaces. I consider such a condition to be appropriate in the instance that permission is granted for the proposed development.
- 7.6.7. Furthermore, as detailed in Section 7.5 of this report I consider that the extent of the footprint of the basement along the south site boundary should also be addressed within a revised basement layout.

7.7. Appropriate Assessment

- 7.7.1. A Screening report for Appropriate Assessment prepared by Openfield Ecological Services was submitted in conjunction with the planning application.
- 7.7.2. This identifies that the proposed development is not located within or directly adjacent to any SAC or SPA. The appeal site is described as being within an urban area of Swords in a residential and business zone close to major transport arteries.
- 7.7.3. The site is located c. 1km to the south of the Broadmeadow/ Swords Estuary SPA (Site Code: 004025) and Malahide Estuary SAC (Site Code: 000205). The Malahide Estuary SAC and Broadmeadow/ Swords Estuary SPA are designated for intertidal habitats and important wintering birds. The Screening Assessment identifies the qualifying interests for the SAC and SPA.
- 7.7.4. A pathway from the site is identified via surface and wastewater flows to the estuary via the Swords wastewater treatment plant. The report refers to the recent upgrade of the Swords wastewater treatment plan which provides capacity for residential development. It is stated that the integration of SUDS measures into the project design will ensure that no changes occur to the quantity or quality of surface water run-off. In the absence of watercourses in the vicinity of the site construction phase impacts are unlikely.
- 7.7.5. The Screening Assessment concludes that *“it has been found that significant effects are not likely to arise, either alone or in combination with other plans or projects to any Natura 2000 area”*.
- 7.7.6. It is my view that, having regard to the nature and scale of the development, the sites location in a serviced urban area and the nature of existing development which separates the appeal site from the designated sites and to the nature of the qualifying interests, that the proposed development would not be likely to have a significant effect on the Broadmeadow/ Swords Estuary SPA and Malahide Estuary SAC.
- 7.7.7. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Broadmeadow/ Swords Estuary SPA and

Malahide Estuary SAC (Site Codes: 004025 and 000205 respectively) or any other 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.

8.0 Recommendation

I recommend that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the "Metro Economic Corridor" zoning objective for the site, the pattern of development in the area, the planning history for the site and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 12 th of November 2019 as amended by further plans and particulars received on the 30 th of April 2020 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 and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	Block C shall be omitted from the proposed development. The proposed residential element of this decision permits 128 no. residential units.

	Reason: In the interests of residential amenity.
3.	The use of the 5 no. commercial units on the ground floor of Block A shall be subject of a separate planning application to the planning authority. Reason: In the interest of the proper planning and sustainable development of the area.
4.	Bathroom/ensuite and storage room windows shall be permanently fitted with obscured glazing. Reason: In the interests of privacy and residential amenity.
5.	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.
6.	Prior to the commencement of development, the following requirements shall be submitted for written agreement of the planning authority: (a) A revised basement layout designed in accordance with the Design Recommendations for Multi Storey and Underground Car Parks and Part M of the Building Regulations. The extent of the basement shall be reduced along the southern boundary of the site in line with the planning authority

	<p>requirements in order to provide a clear for services below the footpath and cycle lane.</p> <p>(b) Details of a toucan crossing at the northern arm of the roundabout in accordance with the planning authority requirements.</p> <p>(c) Revised layout for the proposed public footpath and cycle path to the south of the site to ensure tie in with the adjoining public footpath to the west.</p> <p>Reason: In the interests of traffic and pedestrian safety and the proper planning and sustainable development of the area.</p>
7.	<p>The developer shall comply with the following Transportation Requirements:</p> <p>(a) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes;</p> <p>(b) The service entrance shall be kept clear from obstructions at all times to facilitate emergency vehicle access. Appropriate signage shall be erected on site to indicate that this area is to be kept clear at all times.</p> <p>(c) The footpath and kerb shall be dished at the developer's expense to the satisfaction of the Planning Authority.</p> <p>(d) Where necessary the relocation of underground and overground services and poles to facilitate the development shall be agreed with the planning authority and at the developer's expense.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
8.	<p>The mitigation measures outlined in the Ecological Impact Assessment and Bat Assessment Report shall be implemented on site.</p> <p>Reason: In the interests of biodiversity and to minimise disturbance to bats and birds on site.</p>

9.	<p>The developer shall comply with the following requirements of the Parks and Green Infrastructure Division:</p> <p>(a) Prior to the commencement of development, a revised tree planting plan shall be submitted for written agreement</p> <p>(b) Tree protection measures shall be agreed on site with the appointed arboricultural consultant and the planning authority.</p> <p>(c) The developer shall implement all recommendations pertaining to tree retention as set out within the Arboricultural Report.</p> <p>(d) A tree bond shall be lodged with Fingal County Council prior to commencement of development in order to ensure that trees are protected and maintained in good condition throughout the course of development.</p> <p>(e) Prior to the commencement of development details of the management and maintenance of the landscape features including play facilities shall be submitted and agreed with the Parks and Green Infrastructure Division.</p> <p>Reason: In the interest of tree protection, visual amenity and biodiversity.</p>
10.	<p>Prior to the commencement of development, the developer shall agree the details of public art to be provided within the development with the planning authority.</p> <p>Reason: In the interests of public and residential amenity.</p>
11.	<p>Each office floor shall be provided with changing and shower facilities to cater for cyclists employed in the building. Prior to commencement of development, revised drawings showing compliance with this requirement shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interest of sustainable transport.</p>
12.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

13.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
14.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity</p>
15.	<p>No advertising sign(s) or structures (including any signs installed to be visible through windows), banners, canopies, flags, or any other projecting elements shall be erected unless authorised by a further grant of planning permission. Signage shall not be internally illuminated.</p> <p>Reason: In the interest of visual amenity</p>
16.	<p>The developer shall comply with the following requirements of the Environmental Health Officer:</p> <p>(a) During the operational phase of the development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed the background level by 10Db(a) or more or exceed NG4 levels whichever is lesser :</p> <ul style="list-style-type: none"> • Daytime (07:00 to 19:00) – 55dB, • Evening (19:00 to 23:00) – 50dB, • Night-time (23:00-07:00)-45dB <p>measured from the nearest noise sensitive location. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of noise level.</p> <p>(b) Once operational deliveries to commercial premises shall be limited to Monday to Friday 07.30 – 08.00 hrs, Saturday 08.00-20.00 hours and Sunday 09.00 to 20.00 hours.</p> <p>(c) Should one of the commercial premises be used as a gymnasium/fitness centre, the unit shall be acoustically sound proofed to</p>

	<p>prevent any outbreak of sound relating to the activities within the gymnasium. Anti-vibration flooring shall also be provided. An acoustic assessment shall be submitted to demonstrate the methods of noise attenuation to ensure no noise emissions from the gymnasium/fitness centre.</p> <p>(d) The development shall be operated that there will be no emissions of malodours, gas, dust, fumes or any other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.</p> <p>(e) All mechanical services shall be designed and suitably located to prevent nuisance from noise and odours to residents and businesses close to the development.</p> <p>(f) Proposed restaurant/café uses shall comply with the requirements of the planning authority for such services.</p> <p>Reason: To protect the amenities of the area.</p>
17.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental 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 hours of work, noise and dust management measures, disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.</p> <p>Reason: In the interest of urban legibility.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 08:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 hours on Saturdays and not at all on Sundays and public holidays.</p>

	<p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development.</p>
21.	<p>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.</p>

	<p>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.</p>
22.	<p>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.</p> <p>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.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall 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.</p>

	<p>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.</p>
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Stephanie Farrington
Senior Planning Inspector
19th of October 2020