



An
Bord
Pleanála

Inspector's Report PL06F.247458

Development	Demolition of buildings, construction of a mixed use development of 4,896 sq m in three blocks comprising shop units, café, 8 apartments, medical centre and supermarket and all associated works
Location	Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW16A/0006
Applicant(s)	Lidl Ireland GmbH
Type of Application	Planning Application
Planning Authority Decision	GRANT
Type of Appeal	Third Party
Appellants	<ol style="list-style-type: none">1. Castleknock Residents Action Group2. Joan Burton TD & John Walsh3. Jack Chambers TD & Cllr Howard Mahony4. Cllr Eithne Loftus5. Donal Daly
Observers	<ol style="list-style-type: none">1. Terence Ahern2. Simon O'Neill3. Regina Prenderville

4. Edward MacManus
5. Miriam Rogers
6. Brian Rogers
7. Declan & Marty Mescall
8. Evelyn & Brian McAufield
9. David & Elaine Orr
10. Patrick & Anne Sharpe
11. Gerard & Yvonne McEntee
12. John Ward
13. Anne & Tom Carpenter
14. Francis Martin
15. Rory & Joan Scannell
16. Patricia, Tony, Myles & Ruairi Sheehan
17. John O'Brien
18. Con Clarke
19. Ted Leddy
20. Castleknock Park Residents Association
21. Dónall & Máire Ó Baoill
22. Phillipa & Norman Fitzgerald
23. KRC Residents Association
24. Cllr Roderic O'Gorman
25. Mary Gibbons
26. Elizabeth & John Nolan
27. Martin O'Halloran

Date of Site Inspection

18th January 2017

Inspector

Niall Haverty

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.8318 hectares, is relatively flat and is mainly located on backlands in the centre of Castleknock village, to the north of the signalised junction of Castleknock Road and College Road. The site is irregularly shaped, and includes a single storey structure incorporating a florist shop together with various outbuildings and open space. The site also includes a dilapidated and vacant bungalow and its curtilage, as well as an undeveloped greenfield area which features a number of mature trees and hedgerows.
- 1.2. The appeal site is bounded by: a property known as Glenmalure House and the rear curtilage of properties along Castleknock Road to the north; Castleknock Village Shopping Centre, Ashleigh Shopping Centre, a petrol filling station and two storey commercial buildings to the south; Castleknock Park residential estate to the east; and Castleknock Road to the west. St. Brigid's Church of Ireland church and graveyard are also located to the west, on the opposite side of Castleknock Road.
- 1.3. Access to the site is from Castleknock Road at its junction with College Road, opposite Myos Public House. There is a second vehicular entrance to the unoccupied bungalow on site from the car park of the Castleknock Village Shopping Centre. A public footpath runs along the entire roadside frontage of the site, which narrows to c. 2m in the vicinity of the florist shop.

2.0 Proposed Development

- 2.1. The proposed development, as amended on foot of a request for further information and request for clarification of further information, consists of:
 - Demolition of all structures on the site.
 - Construction of a mixed-use development, comprising three blocks arranged around a new street and public spaces, as follows:
 - Block A: Three storey building (1,380 sq m) comprising 3 No. retail units and 1 No. café at ground floor level with 8 No. apartments overhead (comprising 6 No. 3 bed duplex units and 2 No. 2 bed units). All residential units feature balconies, while the duplex units also feature roof gardens.

- **Block B:** Two storey building (838 sq m) comprising retail unit at ground floor level with medical centre overhead.
- **Block C:** Two storey building (2,110 sq m) with a maximum height of 11.5m, comprising a supermarket at first floor level, over ground floor undercroft car park, retail unit and coffee shop. Building also includes circulation areas and travellers.
- 113 car parking spaces (64 undercroft spaces, 34 surface spaces and 15 surface spaces associated with the residential units).
- Upgrading of existing entrance from Castleknock Road.
- Associated landscaping etc.

2.2. A number of reports and other documents were either submitted with the planning application or on foot of a request for further information. These included a Design Statement, Architectural Visualisation, Transport Assessment, Infrastructure Design Report, Landscape Plan Report, C&D Waste Management Plan, Operational Waste Management Plan, an Archaeological Assessment and a Tree Survey and Arboricultural Implication Assessment.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. Fingal County Council decided to grant planning permission and the following Conditions are relevant to this appeal:

- C2: Restriction on use of units: Retail units confined to Class 1 and medical centre confined to Class 8(a) of Part 4, Schedule 2 of PDR, respectively. No hot food take-aways or bookmakers.
- C6(i): Details of road works, junction upgrade, cycling facilities etc. to be agreed.
- C6(ii): Mobility Management Plan to be implemented.
- C6(iii): Parking control system to be agreed. Paid parking to be implemented if demand outstrips supply.

- C7: €15,000 tree bond.
- C8: C&D waste management plan.
- C9: Specified trading hours for supermarket.
- C11: No subdivision, amalgamation or change of use of units without planning permission.
- C12(iii) Pedestrian link with Ashleigh shopping centre to be operational no later than 4 weeks following opening of supermarket.
- C21: Noise control measures.
- C22: Archaeological monitoring.
- C25: Contribution of €35,211 in lieu of open space provision.

3.2. **Planning Authority Reports**

3.2.1. The final report of the area planner, following the request for further information and request for clarification of further information can be summarised as follows:

- Having regard to the nature and scale of the uses proposed and the zoning, the proposed development is acceptable in principle, subject to assessment of other planning issues.
- Proposed development complies with Retail Planning Guidelines and Retail Strategy for Fingal. The scale of development is compliant with the Retail Strategy and the location of the site in the centre of Castleknock is considered suitable, having regard to the sequential test.
- Layout of the three blocks is acceptable.
- Piece of public art is required under Objective UD11.
- Layout and design of apartment units are acceptable.
- Having regard to the distance of the proposed development from residential development and Castleknock National School, it is considered that there will be no undue overlooking.

- Block C is set back 3.8m – 7m from the northern boundary of the site, and has a height along the northern boundary of 7.8m with the roof rising away from this boundary. It will have less of an impact on the Glenmalure property than the permitted scheme under PL06F.234670 and there will be no undue overshadowing.
- Apartments comply with private open space requirements.
- No public open space is proposed, but given the site location, a monetary contribution in lieu of same will be sought.
- Apartments conform with design standards in terms of size, storage, floor to ceiling height etc.
- Extent of proposed signage is acceptable.
- Condition regarding operational and delivery hours will be attached.
- Development will contribute to traffic generation and most customers to supermarket will travel by car, however traffic build up is an enduring feature of life for those living, working and visiting cities, towns and villages and is not a reason to refuse permission.
- Reduced car parking provision is acceptable on the basis of the accessibility of the site by public transport, foot or bicycle and due to the Development Plan setting out maximum standards.
- Metal fence to boundary with Castleknock Park is acceptable as it will have less of an impact on the root system of the poplar trees than a 2.4m high wall.

3.3. Other Technical Reports

- **Water Services Section:** No objection subject to Conditions.
- **Transportation Planning Section:**
 - ‘Predict and provide’ approach to traffic management is unsustainable. DMURS recognises that a certain level of car congestion is inevitable and junctions may have to operate at saturation levels for short periods.

- Clarified traffic assessment results show that development would have small negative traffic impact. Junctions at site entrance and Auburn Avenue which are near or at capacity today would be over capacity in future.
- Traffic assessment is based on a number of conservative assumptions.
- No objection subject to Conditions.
- **Conservation Office:** No objection subject to Conditions.
- **Architect's Department:**
 - Scheme is well considered, has clarity and order and a clear distinction between public and private areas.
 - Modern design is welcome, particularly in the design of the corner element of Block A.
 - Materials are good quality and elevational treatments of good proportion and scale.
 - Conditions recommended.
- **Environmental Health Officer:** No objection subject to Conditions.
- **Parks Department:** No objection subject to Conditions.

3.4. Prescribed Bodies

- **Irish Water:** No objection.
- **An Taisce:** Planning Authority should ensure that the scale, mass, height, layout and materials are appropriate for this location within the ACA and have regard to Objective AH17.
- **Department of Arts, Heritage and the Gaeltacht:** No objection subject to archaeological monitoring conditions.
- **Transport Infrastructure Ireland:** No objection.
- **National Transport Authority:**

- Supportive of proposal but significant concern regarding the vehicular access.
- Permission should not be granted unless alternative vehicular access is provided, in order to maintain existing capacity of Castleknock Road – College Road Junction. Castleknock Road is an important public transport corridor.
- Cycle parking provision and layout should be amended.
- Additional access points to adjoining retail developments and Castleknock Park should be provided.

3.5. Third Party Observations

3.5.1. A significant number of third party observations were made. The issues raised were generally as per the third party appeals and the observations on those appeals, as well as the following issues:

- Site is more suited to housing development.
- Inadequate information and detail provided. Uncertainty regarding links to Castleknock Park and adjoining retail development.
- Construction stage impacts.
- Existing buildings on site add to village character.
- Excessive signage, and provision of large backlit signage in an ACA.
- Revised drawings indicate landscaping that will negatively affect permitted development at Ennis House, which was designed to integrate with Lidl development.
- Protection of poplar trees at boundary with Castleknock Park and location of tree root barrier.

4.0 Planning History

4.1. Appeal Site

4.1.1. **ABP Ref. PL06F.234670; Reg. Ref. FW09A/0087**

Planning permission was granted to Uxbridge Properties Ltd. for a mixed use development. Permission was sought for a development ranging in height from one to five storeys, and including 47 apartments, 15 retail units (including anchor retail unit), medical centre, restaurant and a basement car park with 346 spaces.

However, the scale of the permitted scheme was reduced by way of omission of units and floors by the Board. The duration of the planning permission has subsequently been extended to 14th March 2020.

4.1.2. **ABP Ref. PL06F.239062; Ref. Ref. FW11A/0025**

Permission was granted to amend permission PL06F.234670 in order to reduce and reconfigure the amount of car parking on foot of the Board's decision to reduce the scale of the development.

4.1.3. **Reg. Ref. FW12A/0091**

Permission granted to amend permission PL06F.234670 to subdivide a retail unit.

4.1.4. **ABP Ref. PL06F.243715; Reg. Ref. FW14A/0065**

Permission refused for mixed use development comprising restaurant/café, retail, medical centre, supermarket and car parking. Permission was refused for four reasons, summarised as follows:

1. Underutilisation and inefficient use of scarce, serviced and zoned lands.
2. Out of character with the pattern of development in the area and visually obtrusive with regard to site location in ACA.
3. Contrary to Castleknock Urban Centre Strategy due to mix of daytime only uses and lack of residential development.
4. Inappropriate urban design response due to substandard layout, design, form, public space and streetscape.

4.2. Neighbouring Sites

4.2.1. Reg. Ref. FW15A/0125

Permission granted for demolition of existing building and construction of two storey building with retail/office use at ground floor level and office use at first floor level. This development will form the eastern side of the new access road serving the proposed development from the Castleknock Road junction.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

5.1.1. The Fingal Development Plan 2017-2023 came into effect on 16th March 2017, following completion of the oral hearing.

5.1.2. The appeal site is zoned TC, 'protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'. The vision for this zoning objective is as follows: "Maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic." Permitted in principle uses under this zoning objective include various categories of retail, as well as health centre, health practitioner, restaurant/café and residential.

5.1.3. The site is also partially located within the Castleknock Architectural Conservation Area, and there are eight Protected Structures in the immediate vicinity of the site, including two adjacent to the site.

5.1.4. Castleknock is designated as a consolidation area in the Settlement Strategy for Fingal. Development in such areas will happen in a planned and efficient manner utilising opportunities to achieve increased densities where appropriate.

5.1.5. The Development Plan notes that there is potential for enhanced commercial, retail and community facilities in Castleknock, in the form of sensitive infill and redevelopment opportunities which respect the established village environment. The Plan states that sensitive infill and backland development will be encouraged, in particular to the rear of the Ashleigh and Castleknock Shopping Centres (i.e. the appeal site) as core development areas. This is supported by a number of Objectives, which can be summarised as follows:

- **CASTLEKNOCK 1:** Prepare an Urban Framework Plan for Castleknock.
- **CASTLEKNOCK 2:** Improve the physical and environmental character of Castleknock through sensitive infill development that enhances village facilities and amenities. Development to have a maximum height of three storeys.
- **CASTLEKNOCK 4:** Promote and facilitate pedestrian movement to and from back-land sites to the rear of the Ashleigh and Castleknock shopping centres while maintaining integrity and privacy of existing residential development.
- **CASTLEKNOCK 5:** Encourage sensitive redevelopment of key sites within village for mixed use which includes an appropriate residential component to enhance viability and vitality of the village.
- **CASTLEKNOCK 6:** Promote and enhance the ACA.
- **CASTLEKNOCK 7:** Prevent access to/from the retail face of Castleknock Road to Castleknock Park.

5.1.6. Other relevant Objectives include:

- **Local Objective 132:** Seeks to improve facilities for pedestrians and cyclists in the village.
- **DMS05:** Requirement for public art work.
- **DMS07-DMS10, DMS11:** Guidance for signage and shopfronts.
- **DMS157, DMS158, DMS161:** Guidance on development within ACAs.

5.1.7. With regard to retail strategy, the Development Plan notes that the Retail Strategy for the GDA expired at the end of 2016 and anticipates that a Retail Strategy for the

EMRA will be required during the lifetime of the Development Plan. In the interim, the Plan states that the current Retail Strategy remains applicable.

- 5.1.8. Castleknock is designated as a Level 4 retail centre in the retail hierarchy, under the heading 'small towns and village centres and local centres'. The Development Plan states that Level 4 Centres should generally provide for one supermarket ranging in size from 1,000-2,500 sq m with a limited range of supporting shops (low order comparison), supporting services, community facilities or health clinics grouped together to create a focus for the local population. This level of centre should meet the everyday needs of the local population and surrounding catchment. Retail Objectives ED45, ED46 and ED47 set out objectives for the sustainable development of Level 4 centres, while Objectives DMS104-DMS106 set out general objectives for retail development.

5.2. **Fingal Development Plan 2011-2017**

- 5.2.1. Although the Fingal Development Plan 2011-2017 has now expired, it was referenced by many parties to the appeal in both their written submissions and at the oral hearing, and I will therefore briefly summarise its provisions.
- 5.2.2. The TC zoning objective for the appeal site also applied under the previous Plan and Local Objective 619 applied to the site, which sought to provide for mixed uses in any redevelopment on the site which integrates with adjoining backland areas to the north east.
- 5.2.3. The objectives for Castleknock were generally similar to the current Development Plan, with the exception of objective CASTLEKNOCK 1, which sought to implement the Urban Centre Strategy for Castleknock.

5.3. **Castleknock Urban Centre Strategy 2008**

- 5.3.1. The Castleknock UCS is not referenced in the current Fingal Development Plan 2017-2023, which instead refers to the preparation of an Urban Framework Plan. It was, however, referenced by a number of parties to the appeal and I will therefore briefly summarise its key provisions. The aim of the UCS was to consolidate the village as an attractive gateway to Fingal and the promotion of high quality design. It stated that it was a long term vision to be implemented over a period of c. 10 years.

5.3.2. 13 detailed Objectives were set out for proposed development in the village. Other relevant elements of the UCS include:

- Policy that one anchor supermarket/store with max. floorspace of 1,500 sq m be located within the UCS boundary and site to encourage pedestrian movement through the core.
- New development should form new streets which connect and reinforce the traditional street network.
- The church limits the height of all potential development in the area. Max. 4 storey height.
- Underground or under podium car parking is preferred with surface car parking kept to a minimum, and not dominating street frontage.
- Backlit signage should be discontinued.

5.4. **Retail Planning Guidelines for Planning Authorities 2012**

5.4.1. These Guidelines state that enhancing the vitality and viability of town centres through sequential development is an overarching objective in retail planning. There are 5 key policy objectives – ensuring plan led development; promoting town centres through sequential development; promoting a competitive market place; encouraging sustainable travel by located shops in locations accessible by such modes; and realising high quality urban design. The guidelines support town centre locations for new development in the interests of maintaining vitality and viability.

5.5. **Retail Design Manual 2012**

5.5.1. This is a companion document to the Retail Planning Guidelines which highlights the need for high quality design that is appropriate to the character, location and configuration of the site and its environs improving the urban grain, pedestrian permeability and using high quality design/finishes. The manual utilises 10 principles of urban design as a benchmark for suitable development.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Five third party appeals were lodged by, or on behalf of, the following parties:

1. Castleknock Residents Action Group
2. Joan Burton TD & John Walsh
3. Jack Chambers TD & Cllr Howard Mahony
4. Cllr Eithne Loftus
5. Donal Daly

6.1.2. The grounds of appeal can be summarised as follows.

- Traffic impact, both in terms of Castleknock Village and position of site at busy junction. Traffic issues resulting from proliferation of entrance points and obstruction of bus lane. Junction will be over capacity.
- Inadequate car parking provision, which is not compliant with Development Plan requirements. No provision for staff car parking.
- TRICS data is not directly relevant to appeal site. Only one example in Republic of Ireland – Carrick on Shannon. No analysis of existing stores in similar suburban areas.
- Development will increase traffic and overspill parking in surrounding housing estates. Introduction of paid parking will displace parking into residential streets.
- No demand for additional supermarkets or off-licences in the area, which is already well-served by convenience retail units.
- Impact on character of Castleknock Village, Protected Structures and on Architectural Conservation Area.
- There is insufficient space to accommodate road widening without reducing footpath widths.
- Impact on viability and safety of Planning Authority's planned cycle path on Castleknock Road.

- Similar application for an Aldi in Clonsilla was refused by the Board due to failure to comply with an Urban Centre Strategy.
- Contrary to TC zoning objective for the site.
- Contrary to provisions of the Castleknock Urban Centre Strategy, particularly due to the failure to provide link road to adjoining site to north.
- Depreciation of property values.
- Blank wall to rear of supermarket will affect development potential and residential amenity of property to north.
- Impact on residential amenity.
- Impact on visual amenities. Development is visually incongruous and out of character due to excessive height of 13.5m, poor quality design and site context.
- Impact on Castleknock Park houses and green area. Condition 12 should be revisited to provide railing on a dwarf wall or blockwork wall to protect residential amenity. Wooden fence is not adequate.
- No provision of public green space or civic space as envisaged by Urban Centre Strategy. Shortfall of open space associated with apartments.
- Child safety – due to both traffic close to schools and apartments overlooking school.
- Trading hours must respect the village and residents. There should be no late night trading.
- Undercroft parking is a cheap option that is unsuitable for Castleknock and will encourage anti-social behaviour once the supermarket has closed.
- Health and safety issues during construction stage.

6.2. First Party Response to Third Party Appeals

- 6.2.1. A response to the third party appeals was submitted on behalf of the applicant, which is summarised as follows:

- Extensive pre-application consultation was undertaken in preparing the scheme in order to address previous refusal.
- Permitted Uxbridge development is live until 2020.
- Applicant engaged with adjoining landowners to take on board issues/synergies.
- Submissions on Draft Development Plan have informed the Plan, including revised policy objectives for Castleknock.
- Development is supported by policy and is acceptable in principle. This has previously been accepted by the Board.
- Castleknock Urban Centre Strategy 2008 is now redundant and the Draft Development Plan represents the current policy in the post-Uxbridge scenario. The Draft Plan has no reference to the 2008 Strategy which is a clear indication that it is no longer considered to be the basis for decisions.
- Proposed development is compliant with both current and draft Development Plans.
- FCC is satisfied that current application will not prejudice any future Urban Framework Plan (as referred to in Objective CASTLEKNOCK 1).
- Castleknock is poorly served in terms of retail provision and there is no supermarket in the village. Weekly convenience shopping is located outside the area.
- Principle of a supermarket, medical centre and retail on the site was previously accepted by Board Inspector in the 2014 application (PL06F.243715).
- Layout of development is similar to 2014 scheme, but design, density and mix of uses has been significantly improved. Architectural design provides a contemporary treatment, avoiding pastiche and incorporating local features such as brick elevations.
- Block A, facing onto Castleknock Road adheres to a traditional building form, mixed with contemporary treatment to rear. Design developed in consultation with FCC Conservation Architect.

- Comparative photomontages demonstrate significant improvement compared with 2014 scheme.
- Applicant unsuccessfully attempted to engage with the appellant Mr Donal Daly, owner of the adjacent property known as Glenmalure regarding accommodating future development of his lands.
- Redevelopment of Glenmalure would be more properly facilitated by its existing vehicular access laneway. 2008 Strategy indicates vehicular access to Glenmalure via the existing laneway with pedestrian access only from the appeal site. Following further information request, proposed development makes allowance for future vehicular connection.
- Pedestrian connection to Ashleigh Shopping Centre is proposed, which will be closed after trading hours. Agent for Shopping Centre has no objection to the proposal.
- Pedestrian connection to Castleknock Shopping Centre via existing gate. Applicant is confident that boundary wall between the two site will be removed if the proposed development is implemented.
- Issues with regard to traffic were examined in both the current application and the previous Uxbridge application, which was a significantly larger development with two levels of basement parking.
- Applicant's engineers consulted extensively with the Transport Department in course of the application.
- AECOM assessment found that although Castleknock Road and Auburn Avenue junctions will experience capacity issues in the post-development scenarios in the AM and PM peak, this would be typical of signalised junctions in Dublin City and would be within reasonable limits having regard to the urban/commuter nature of the R806.
- Junction improvements and signalling improvements as agreed with FCC Transport Department will mitigate the traffic impacts.
- Proposed level of car parking is sufficient, and is accepted by FCC. Site is within easy walking distance of a number of other commercial car parks and will benefit from cross trips.

- With regard to residential amenity, large scale mixed use development has been accepted on the site previously and any impacts associated with the proposed development are less than the permitted Uxbridge scheme.
- No significant overlooking will occur to residential units or schools due to distance.
- The undercroft parking area will be secured by shutters/grilles to prevent access outside of trading hours. This will address anti-social behaviour.
- A 2m high metal railing with supplementary planting is proposed to the Castleknock Park boundary. The 2.4m high wall sought by objectors would impact on the root system of the poplar trees. Applicant is willing to accept condition requiring a more solid boundary if the Board feel it appropriate.
- With regard to noise management, residential amenity will be protected by Conditions 9 and 21 which relate to trading/delivery hours and noise abatement policy respectively.

6.2.2. A report, prepared by AECOM, addressing transportation issues arising in the appeals was also submitted. This can be summarised as follows:

- Fingal Development Plan sets out maximum standards for car parking. A reduction is applicable in this instance given town centre location, adjacent to QBC and large residential catchment within walking distance.
- Car park accumulation study submitted with response to request for further information identified that peak car parking occupancy would be less than the number of spaces.
- Car parking demand for discount foodstores is less than traditional retail foodstores.
- Mix of uses will promote dual use trips and walking between land uses.
- Framework Mobility Management Plan will encourage employees and customers to travel by sustainable modes which will assist to reduce car parking demand.

- Overspill car parking is not envisaged but can be addressed by FCC with parking control measures that would be typical for residential streets within proximity of town centres.
- Capacity issues at Castleknock Road/College Road junction in the post-development scenarios are typical of signalised junctions in Dublin City during peak periods. Peak period of congestion is for a short period within the peak hour, with queueing vehicles getting through the junction on each cycle.
- Previous Board Inspectors' Report stated that traffic build-up is an enduring feature of metropolitan life and is not a reason to refuse permission. This is consistent with DMURS.
- Degree of saturation at Auburn Avenue junction is less than 90% for post-development PM peaks, but greater than 90% in future years AM peak. Traffic volume increase due to proposed development is 2% in the AM and 6% in the PM peak.
- Mitigation measures will involve provision of dedicated right turning lane into the site from Castleknock Road and widening of existing southbound straight ahead lane.
- Construction traffic management plan will be prepared.
- Provision made for future vehicular link to Glenmalure lands, designed as per DMURS guidance.
- Road Safety Audit will be undertaken prior to construction to review safety implications and identify any required mitigation measures.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response to the appeals can be summarised as follows:

- Architects Dept. and Conservation Officer had no objection to proposed development.
- Proposed development makes a positive contribution to this important zoned and serviced site within the village centre and design is informed by ACA.

- Site is already subject to a permitted development which would be significantly more intensive.
- Proposed development will lead to a small increase in traffic congestion which is acceptable with regard to urban location, zoning and policy.
- DMURS recognises that congestion is inevitable and that junctions may have to operate at saturation levels for short periods.
- With regard to car parking requirements, the Transportation Planning Section applied 50% reduction for the commercial element, except for the anchor retail unit which remains at 100%. This results in a deficit of 32 spaces. Deficit is considered acceptable given dual use of spaces, TC zoning, large residential area within walking catchment and Mobility Management Plan required by Condition 6.
- Overspill of car parking can be managed by Planning Authority through parking restrictions or pay and display parking.
- Development would not be prejudicial to public safety. Proposed junction upgrade will provide controlled pedestrian and cyclist crossing facilities and improved footpaths.
- Principle of development has been accepted by virtue of existing permissions which provide for more intensive development.
- Area is zoned TC and is appropriate for mixed-use development of which retail is an acceptable use.
- No pedestrian access to adjoining residential areas is permitted. There is one proposed and one existing entrance to adjoining commercial development.
- No undue overlooking of adjacent properties or school will occur due to separation distances.
- Residential element within development will allow for passive surveillance, which together with management by Lidl will aid against anti-social behaviour.
- Proposed development allows for access to adjoining lands to south and north.

- Proposed fence is a suitable boundary between Castleknock Park and appeal site, as it will have less impact on tree roots than a wall in excess of 2m.
- Condition 12(ii) refers to the wrong drawing. Correct drawing is 2015.04.P103A-F1 received on 02/09/16.
- Board is asked to include Condition 12 and condition requiring submission of a Construction Management Plan for agreement if it is minded to grant permission.

6.4. **Other Responses**

- 6.4.1. O'Neill Town Planning, acting on behalf of one of the appellants, Donal Daly, submitted a response to the other third party appeals. The response supports and reiterates points made in the appeals.

6.5. **Observations**

- 6.5.1. There were 27 observations made by third parties. The issues raised were generally as per the appeals, as well as the following:
- Noise and air pollution.
 - Conditions leave a significant amount of important unresolved issues for discussion with the Planning Authority.
 - Tree bond amount is inadequate.
 - Traffic survey was undertaken in 2014 and is out of date. Traffic volumes have increased significantly in the last two years.
 - Retail impact and effect on viability of existing businesses.
 - Development will result in seven entrances within 300m on Castleknock Road.
 - Site access should be through Spar shopping centre car park rather than Castleknock Road.
 - Duration of traffic survey was inadequate.
 - Signage is excessive and no condition to prevent further signage.

- Lack of open space for apartments.
- Implications for emergency vehicle access through village.
- Location of loading bay relative to Castleknock Park estate. Loading area should be internal and time restricted.
- Walkway from Castleknock Park through open space into proposed development would be unacceptable.
- Inadequate pavement width at unit fronting onto Castleknock Road.
- Landscaper's report indicates that 2m deep trench will be required to insert root barrier at eastern boundary, and that construction of a wall rather than a fence is feasible in this location.
- Lack of surface water infrastructure capacity in the area.

7.0 Oral Hearing

7.1. Overview

- 7.1.1. An oral hearing was held in respect of the proposed development over two consecutive days (31st January and 1st February 2017) in the Board's offices. A copy of the Agenda for the hearing, as circulated to all parties in advance of the hearing, is attached at Appendix A of this report. The Board should note that the oral hearing was recorded.
- 7.1.2. A brief summary of the oral hearing is set out below, and my assessment in Section 8.0 includes more detailed reference to submissions or questioning from the oral hearing where appropriate.

7.2. Day 1 – 31st January 2017

- 7.2.1. An opening statement was made by **Mr Ray Ryan** of BMA Planning on behalf of Lidl introducing the applicant's oral hearing team. **Ms Maria Egan** of Lidl welcomed the holding of the oral hearing, noting that it was Lidl's first oral hearing, and welcomed the opportunity to respond to residents' concerns and engage with the community.

Mr Gerry Murphy of MCA Architects then presented a brief overview of the development and the design rationale.

- 7.2.2. **Joan Burton TD** was then facilitated to make her submission, due to her time constraints. She noted that she did not oppose development in principle on this site, but was concerned about the impacts of the proposed development, which she outlined.
- 7.2.3. **Mr Ryan** then outlined the application background and chronology and outlined the applicant's responses to what were considered to be the key planning issues, namely: the principle of development; development plan policy; demand for retail development; design, layout and connectivity; traffic and parking; and residential amenity. Mr Ryan stated that the Castleknock UCS was of its time, and was closely aligned to the development proposal known as the Uxbridge permission and envisaged wider scale redevelopment of the village centre.
- 7.2.4. **Jack Chambers TD** was then facilitated to make his submission, due to his time constraints. Mr Chambers' submission primarily focussed on the traffic impacts of the proposed development, and he raised his concerns regarding the methodology and accuracy of the applicant's traffic reports.
- 7.2.5. Following Mr Chambers' submission, the applicant continued their detailed submissions, commencing with **Mr Gerry Murphy** of MCA Architects who responded to design issues. This was followed by **Mr Stephen Diamond** who addressed landscaping, and **Mr Philip Lee** of AECOM, who addressed roads and transportation.
- 7.2.6. Following this, **Minister Leo Varadkar** was facilitated to make his submission, due to his time constraints. Minister Varadkar appeared as a witness for Councillor Eithne Loftus, who is an appellant. His submission focussed on traffic congestion, retail demand, shortage of housing, residential amenity of Castleknock Park, impact on ACA and excess retail floor space in the wider area.
- 7.2.7. **Mr Michael Dunne** of AECOM concluded the applicant's submissions by addressing site services.
- 7.2.8. The Planning Authority's team then made their detailed submissions. **Ms Hazel Craigie** (Acting Senior Planner) set out the relevant planning policy. **Mr Harry McLauchlan** (Senior Executive Planner) responded to what he considered to be the

key issues arising from the appeals, namely: scale and height of development; mix of uses; retail demand; layout; permeability; and residential amenity, including noise, construction stage impact, anti-social behaviour and accessibility. Mr McLauchlan outlined possible alterations to delivery hours and noise control measures. **Ms Fionnuala May** (County Architect) then outlined the design principles and assessment criteria utilised by the Planning Authority in assessing the planning application. **Ms Helena Bergin** (Conservation Officer) outlined the heritage context of Castleknock and the ACA, and addressed the potential impact of the proposed development on architectural heritage. **Mr Sean McGrath** (Senior Executive Engineer) set out the Planning Authority's position in respect of transportation and traffic issues. He stated that it was vital to distinguish between traffic congestion and traffic hazard and that it was not sustainable to predict and provide with regard to highway capacity. He considered that the analysis in respect of this development is conservative and that the level of congestion will be manageable and reasonable. **Ms Gemma Carr** (Acting Senior Parks Superintendent) concluded the Planning Authority's submissions by addressing landscaping issues. She stated that, with the correct construction methodology, she was satisfied that a 2m high wall could be constructed at the boundary with Castleknock Park without impacting on the poplar tree roots

- 7.2.9. As the Planning Authority indicated that a number of their representatives would not be available for the second day of the hearing, I facilitated questioning of the Planning Authority following completion of their submissions. Questions and discussion related to traffic, residential amenity issues, public open space, boundary treatments, compliance with the UCS and operation of the shared space if lands to the north are developed. The Planning Authority subsequently indicated at the end of Day 1 that all members of their team would be in attendance on Day 2.
- 7.2.10. Two of the appellants then made their submissions. **Mr David Hughes** representing Castleknock Residents Action Group raised the issues of traffic, architectural heritage, health and safety, car parking comparison with other supermarkets, signage and effects on character and amenity of the area. **Mr John Walsh** then made his submission, which generally addressed the same range of issues.
- 7.2.11. The first day of the oral hearing concluded with short submissions by two observers who were not in a position to attend on Day 2. **Mr Simon O'Neill** focussed on design

issues and overflow car parking in Castleknock Park and **Dr John O'Brien** queried the requirement for an additional healthcare centre in Castleknock as well as traffic and potential linkages to Castleknock Park.

7.3. Day 2 – 1st February 2017

- 7.3.1. The remaining appellants made their submissions on the morning of the second day. **Councillor Eithne Loftus** addressed architecture heritage, building height, traffic and road issues, safety of school children, retail demand, visual impact and landlocking of backlands. **Councillor Ted Leddy** appeared as a witness for Councillor Loftus. He focussed on traffic congestion and traffic safety, and noted the extensive lands zoned for residential development in the Dublin 15 area which lead to increased traffic volumes.
- 7.3.2. **Mr Michael O'Neill** of O'Neill Town Planning and **Mr Dermot Nolan** (Architect) appeared on behalf of Mr Donal Daly, the owner of Glenmalure (the site to the north of the appeal site). The submission focussed on the impact on the residential amenity of the existing house as well as the impact on the development potential of the site due to the failure to provide a direct link to his site. Mr O'Neill argued that the development failed to comply with the provisions of the UCS and materially contravened the development plan.
- 7.3.3. Submissions were then made by the following observers: **Ms Regina Prenderville; Ms Miriam Rogers; Mr Brian Rogers; Mr Declan Mescall; Mr David Orr; Mr Con Clarke; Mr Martin O'Halloran** on behalf of Castleknock Park Residents Association; **Ms Anne Sheridan** and **Ms Angela Rogers** on behalf of KRC Residents Association; and **Councillor Roderick O'Gorman**.
- 7.3.4. Due to the unavailability of **Mr John Walsh** and **Councillor Mahony** in the afternoon of Day 2, questioning by the applicant of Mr Walsh then took place in respect of his statements regarding the TRICS database and the UCC study referenced in this submission. Mr Walsh then questioned the applicant regarding the supermarket sites on the Old Cabra Road and Terenure that they presented as being comparable. Mr Walsh and Councillor Mahony then made their closing comments.
- 7.3.5. Following this, submissions were made by the following observers: **Mr Trevor Keppel** representing Ms Carla O'Donnell; **Mr John Donnelly** and **Martin**

O'Halloran. Mr Donnelly objected to the nature of the proposed link between the appeal site and Ashleigh Shopping Centre and expressed his preference for a more open boundary. Mr Ryan subsequently suggested that a portion of the wall could be removed and replaced with bollards. Mr Donnelly and the Planning Authority welcomed this proposal, while Mr Hughes queried what he considered to be an ad hoc agreement.

7.3.6. Questioning and discussion then took place between the remaining appellants and the Planning Authority and the applicant. The questioning primarily related to traffic issues, consultation, boundary treatments, residential amenity, security and management issues and connectivity to the lands to the north.

7.3.7. Closing comments were then made by the remaining appellants, the Planning Authority and the applicant. The oral hearing concluded at approximately 17:25 on Wednesday 1st February 2017.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. I consider the key issues in determining the appeals are as follows:

- Principle of development.
- Roads and Traffic.
- Car Parking Provision.
- Design and layout.
- Retail Impact.
- Connectivity and Boundary Treatments.
- Residential Amenity.
- Noise.
- Architectural Heritage.
- Other issues.
- Appropriate Assessment.

8.2. Principle of Development

- 8.2.1. The status of the Castleknock Urban Centre Strategy 2008 was the subject of a number of submissions at the oral hearing, with both the applicant and appellants seeking to question its applicability. While the UCS was a non-statutory plan, it was an Objective of the Fingal Development Plan 2011-2017 to implement the Strategy. Therefore, while the Strategy was essentially a guidance document or masterplan for the village, I consider that it was given a degree of weight by Objective CASTLEKNOCK 1 of the Fingal Development Plan 2011-2017. However, since the oral hearing concluded, the Fingal Development Plan 2017-2023 has come into effect and the Castleknock UCS 2008 is not referenced in the new Development Plan. The Development Plan instead includes reference to the preparation of an Urban Framework Plan for Castleknock. I therefore consider that the provisions of the Castleknock UCS 2008 are no longer applicable to the appeal site.
- 8.2.2. The Planning Authority stated at the oral hearing that, while the development was assessed under the Fingal Development Plan 2011-2017, there is no broad change of policy approach under the Draft Plan, which has since been adopted. They noted that the 'TC' zoning objective remains unchanged. While Objective CASTLEKNOCK 1 of the Fingal Development Plan 2017-2023 provides for the preparation of a new Urban Framework Plan, the Planning Authority stated at the hearing that, pending preparation of the UFP, it would be unreasonable to refuse development proposals which otherwise meet the objectives of the Development Plan.
- 8.2.3. I consider that the provision of a mixed use development which includes a residential component, and which increases connectivity and permeability through the site is in accordance with both the 'TC' zoning objective and the specific objectives for Castleknock as set out in the Fingal Development Plan 2017-2023.
- 8.2.4. Having regard to the location and zoning of the site, the precedent established for a significant mixed use development on the site under PL06F.234670 and the objectives of the Fingal Development Plan 2017-2023, I consider that the principle of the proposed development is acceptable and in accordance with the zoning objectives for the site. Furthermore, having regard to the general compliance with Objectives relating to Castleknock, I do not consider that the proposed development would be premature pending preparation of an Urban Framework Plan.

8.3. Roads and Traffic

- 8.3.1. The majority of submissions, both written and at the oral hearing, focus on the potential traffic impact of the proposed development. The appellants and observers contend that the proposed development will exacerbate existing traffic congestion in the Castleknock area, particularly on Castleknock Road, College Road and Auburn Avenue. It is also contended that the location of the vehicular entrance to the site opposite, but offset from, the College Road junction is unsafe and that the introduction of a fourth arm to this junction will push it beyond capacity at peak times with consequences for traffic congestion in the surrounding area. The appellants note that Dublin 15 is experiencing large population increases in recent years, and note that Castleknock Road (R806) is one of the few arterial routes into the City from Dublin 15, and they consider that this function will be undermined by the proposed development. Several appellants have noted that there are a large number of vehicle entrances along Castleknock Road within a short distance, and express their concerns in relation to both the traffic impact of adding another entrance and the potential pedestrian safety impact, with particular regard to the presence of numerous schools in the vicinity.
- 8.3.2. The applicant has accepted that capacity issues will arise at the Castleknock Road/College Road junction in the post-development scenarios, but considers that this is typical of signalised junctions in Dublin City during peak periods. The applicant states that the peak period of congestion is for a short period within the peak hour, and references the previous ABP Inspector's Report which stated that traffic build up is an enduring feature of metropolitan life and is not a reason to refuse permission. The applicant contends that this approach is consistent with the Design Manual for Urban Roads and Streets, but consider that mitigation measures such as the provision of dedicated right turning lane into the site from Castleknock Road, widening of existing southbound straight ahead lane and signalling improvements will improve the functionality of the junction.
- 8.3.3. The Planning Authority has accepted the applicant's position, and consider that the increase in traffic congestion is acceptable with regard to urban location, zoning and policy and they state that DMURS recognises that congestion is inevitable and that junctions may have to operate at saturation levels for short periods. Both the

applicant and the Planning Authority have noted that there is an extant permission on the site for a more intense development which would have a significantly greater traffic impact (Ref. PL06F.234670).

- 8.3.4. Firstly, with regards to the initial traffic survey which was submitted with the application, I concur with the appellants that it was inadequate. The survey dated from 2014 and was not reflective of the current volumes of traffic experienced in Castleknock and did not address the Castleknock Road/Auburn Avenue junction. I consider that the revised traffic survey submitted on foot of a request for further information is adequate, both in terms of the survey locations and the duration of the survey.
- 8.3.5. The revised traffic survey was undertaken at the Castleknock Road/College Road and the Castleknock Road/Auburn Avenue signal controlled junctions for three-hour periods in both the AM and PM periods. The survey found the AM peak to be 08:15 – 09:15 and the PM peak to be 17:30 – 18:30. A LinSig analysis of the junctions was then undertaken, utilising survey results and TRICS data for the various types of unit and for three different years – 2017 (opening year), 2022 (opening year + 5) and 2032 (opening year + 10). It should be noted that there were errors in the LinSig tables presented in the further information response, and they were supplemented by additional tables submitted in response to a request for clarification of further information and at the oral hearing, following my querying of apparent errors.
- 8.3.6. With regard to the future year scenarios for the Castleknock Road/Auburn Avenue junction with no development, the degree of saturation on all three arms is less than 90% in the PM peak, but is greater than 90% in the AM peak for all three arms. Post-development, the degree of saturation approaches or exceeds 100% in the 2031 AM peak scenario, but does not exceed 92.5% in the 2031 PM peak scenario. The maximum queue length with no development was 36.9 vehicles for Castleknock Road West in the 2031 AM peak, rising to 37.4 vehicles post-development.
- 8.3.7. With regard to the future year scenario for the Castleknock Road/College Road junction with no development, the degree of saturation is greater than 90% in both the AM and PM peaks in 2031. Post-development, the degree of saturation exceeds 100% in both AM and PM peaks in 2031. The maximum queue length with no

development was 31 vehicles for Castleknock Road East in the 2031 PM peak, rising to 47.3 vehicles post-development.

- 8.3.8. The selection of the comparator sites from the TRICS database utilised by the applicant in their assessment was queried at the oral hearing by several third parties. It was noted that only one of the comparator discount supermarkets was in the Republic of Ireland, and that the sites utilised to calculate the traffic generated by the medical centre ranged from a 17 sq m chiropractic clinic to a 4,000 sq m health centre. Reference was also made to a UCC study from 2008 which was stated to identify problems with the reliability of TRICS for discount food stores (refer to oral hearing written submission of KCR residents association). While I consider that the use of the TRICS database can be open to manipulation if suitably comparable sites are not identified, I am satisfied that a sufficient range of sites have been selected to allow the blended trip rate per 100 sq m to be suitably representative.
- 8.3.9. It is clear from the LinSig results that there are significant capacity issues at both junctions, both with and without the proposed development. The applicant argues that these capacity issues are typical of signalised junctions in Dublin City as a result of commuter/school traffic and are just for a short period within the peak hour. The Planning Authority concurs with this position.
- 8.3.10. I note that the NTA made an observation at planning application stage, raising concerns regarding the impact of the development on the capacity of Castleknock Road. In his concluding statement to the oral hearing, the Planning Authority's Transport Engineer noted in respect of this point that no subsequent observation was made by the NTA at RFI or CFI stage, at appeal stage or at the hearing.
- 8.3.11. Having reviewed the traffic assessment, DMURS and the Development Plan, I tend to agree with the Planning Authority's position regarding the traffic impact of the proposed development. The appeal site comprises a relatively sizable area of undeveloped TC zoned lands in the heart of Castleknock village. It is suitable for mixed use development, and any such development will require access at the junction of Castleknock Road and College Road, as this is the only road frontage that the site possesses. There is also an extant permission on the site for development of a significantly more intense nature than the proposed development in terms of floor area, car parking provision and traffic generation. Castleknock is an

inner suburban village and the Castleknock Road operates as a traffic artery between the City and the M50/Dublin 15 area. It is unrealistic not to expect congestion to occur at main junctions during peak periods. It is equally unrealistic to attempt to provide sufficient road capacity to cater for this short-term peak traffic demand. It is clear from the traffic survey and extrapolated 'no development' future year scenarios that the junctions are nearing peak hour capacity with or without the proposed development, and I consider that only a move towards more sustainable modes of transport will address this congestion. The proposed development will deliver additional retail and ancillary uses to a large residential catchment who are currently not within walking or cycling distance of a supermarket, and allied with the reduced car parking provision (see Section 8.4), I consider the proposed development to be acceptable in terms of traffic impact.

8.3.12. With regard to traffic safety, concerns with respect to the safety of children travelling to and from the numerous schools in the vicinity of the appeal site were expressed by numerous parties in their written submissions and at the oral hearing. I note that it is proposed to widen the footpath along the Castleknock Road, which currently has a pinch point of c. 2m, such that the minimum footpath width will be 4.6m. It is also proposed to provide a raised pedestrian ramp crossing across the new street, with pedestrian crossing lights. I consider that the design approach will serve to alleviate the principal safety concerns with respect to school children. Notwithstanding this, and with reference to the heavy concentration of schools in the area, I consider that it would be appropriate to restrict trading hours of the retail units to 09:00 to 21:00 from Monday to Saturday, to ensure that the majority of vehicular traffic associated with the proposed development does not occur during the morning school commute. This will also serve to reduce the traffic impact during the AM peak (08:15 – 09:15) on the Castleknock Road.

8.3.13. In conclusion, I consider that while the proposed development will clearly have an impact on traffic congestion, any mixed use development of this site will likewise create some level of additional traffic. The permitted development for which permission has been extended until 2020 is significantly more intense and would create a significantly greater traffic impact. I consider that the provision of mixed use development on an underutilised yet zoned, serviced and central site represents a sustainable form of development and it would be unreasonable to refuse permission

on the basis of traffic impacts in this regard. Finally, I consider that the proposed upgrade of the road junction, with widened footpaths, raised pedestrian crossings and filter lanes for turning vehicles will serve to improve traffic flow at this location.

8.4. Car Parking Provision

- 8.4.1. The proposed car parking provision, as amended, extends to 113 car parking spaces, comprising 64 undercroft spaces, 34 surface spaces and 15 surface spaces associated with the residential units. A number of appellants contend that this car parking provision is inadequate with regard to the Fingal Development Plan 2011-2017 requirements and when compared to similar discount supermarkets on other sites. They contend that the underprovision of car parking will result in overspill car parking in surrounding residential areas and they note that no staff car parking is provided. At the oral hearing, a number of parties set out the car parking provision for other existing discount supermarkets, which was greater than for the proposed development.
- 8.4.2. The Planning Authority, at the oral hearing, stated that the car parking provision was considered sufficient on the basis that no reduction had been allowed for the discount supermarket, and that the trip generation rates for the smaller units seemed excessively high. The Planning Authority also stated their view that the quantum of car parking desired by discount retail operators was reducing in recent years, due to catchment areas reducing as more stores are built, and as a result of retailers building up their knowledge and experience of actual car parking demand. The Planning Authority has also noted that the Draft Fingal Development Plan 2017-2023, which has subsequently come into effect, includes reduced car parking standards.
- 8.4.3. The applicant responds to the issue of car parking by stating that the Fingal Development Plan sets out maximum standards for car parking, and that a reduction is applicable in this instance given the town centre location and large residential catchment within walking distance. The applicant also claims that the mix of uses and increased connectivity with adjacent shopping centres will promote dual use trips and walking between land uses and they also state that car parking demand for discount foodstores is less than traditional retail foodstores. In respect of this last point, it was pointed out by other parties at the hearing that recent Lidl advertising is

based around the relative cost of a full weekly shop at Lidl compared to other traditional supermarkets, indicating that they are changing their retail model and are no longer different from traditional supermarkets.

- 8.4.4. The applicant contends that overspill car parking is not envisaged but can be addressed by the Planning Authority with parking control measures that would be typical for residential streets within proximity of town centres. They also state that the Mobility Management Plan will encourage employees to travel by sustainable modes which will assist to reduce car parking demand. The applicant also referred to a car parking accumulation study submitted with the response to the request for further information, which concluded that peak car parking occupancy would be less than the number of spaces provided.
- 8.4.5. The maximum car parking requirement for the proposed development, in accordance with Development Plan standards, is 213. Allowing for a 50% reduction for cafes, retail units and the medical centre, a 100% reduction for ancillary and circulation areas associated with the supermarket, but no reduction for apartments or the supermarket itself, the number of spaces required is 145. The proposed provision of 113 spaces therefore represents a deficit of 32 spaces.
- 8.4.6. The site is located in the centre of Castleknock village, and is readily accessible by public transport including buses and taxis and is also accessible to a large residential catchment by foot and bicycle. I am also mindful that the car parking standards set out in Tables 12.8 of the Fingal Development Plan 2017-2023 are maximum standards, and that the notes to table 12.8 state that in mixed use developments the car parking requirement will take account of different uses having peak parking demands at different times of the day and week. I also note that the Retail Planning Guidelines state that the application of the sequential approach requires flexibility and that the relaxation of car parking requirements is an option to deliver retail units in a town centre location, where a good choice of public transport links is available. I therefore consider that a reduction in car parking provision below the maximum requirement is acceptable in this instance and I am satisfied that the proposed development makes an adequate provision for on-site car parking to cater for the development.

- 8.4.7. With regard to the layout of the car parking, I consider that it is well designed, with the majority of the spaces located to the rear of the site, hidden from view from Castleknock Road, and located away from public areas and the new street such that car parking does not dominate the overall site layout.
- 8.4.8. In order to ensure that the car park operates effectively and efficiently, I recommend that conditions be included requiring the submission of a car park management plan to the Planning Authority for agreement, and the preparation and ongoing monitoring of a Mobility Management Plan to ensure that excessive car parking is not utilised for staff car parking or that there is no spill over of such staff parking into surrounding residential areas.
- 8.4.9. In conclusion, therefore, having regard to the quantum and layout of the car parking spaces proposed, the location of the appeal site in a central location well served by public transport and accessible to a significant residential catchment by foot and bicycle, the provisions of the Development Plan which allow for a relaxation in maximum car parking requirements in certain circumstances, and the opportunity for linked trips between the different uses within the appeal site and between the appeal site and the adjacent shopping centres, I consider that adequate provision has been made for on-site car parking to cater for the proposed development.

8.5. **Design and Layout**

- 8.5.1. The layout of the proposed development comprises a central street, with two blocks to the north and one block to the south. I consider that the layout is suitably cognisant of the village centre location of the site, and provides an appropriate urban design response with a strong sense of place through the use of blocks of various shapes, height and massing albeit with a palette of shared materials and design elements and with a considerable amount of hard and soft landscaping. I consider that the proposed development is coherent and reads as a logical extension to the existing village core rather than as a private shopping centre development. The positioning of all car parking to discreet areas to the rear (east) of the site, and to the rear of Blocks A and C also serves to enhance the urban quality of the scheme and avoids the car-dominated environment often associated with supermarket developments. This approach to the insertion of infill development and the provision

of car parking is consistent with the Retail Planning Guidelines 2012 and the associated Retail Design Manual 2012.

8.5.2. Block A is located on what I consider to be the most sensitive part of the site, due to its location fronting onto Castleknock Road within the Architectural Conservation Area. I consider that the design, with its use of red brick and stone façade, pitched natural slate roof and high solid to void ratio represents a sensitive insertion into the historic streetscape, and is suitably respectful to the adjoining Protected Structures to the north, which also feature red brick elevations and pitched slate roofs. The corner element of Block A, which is set back from the street, forms a contemporary entrance point to the remainder of the development, with the retail and residential element of the rear portion of Block A forming a new streetscape along the new street. The contemporary design and use of two storey red brick elevations with a setback zinc-clad third storey is appropriate for this location which is partially within the ACA, and acts as an effective transition between the ACA and the large Block C supermarket to the rear of the site. The residential units within Block A exceed Development Plan standards for size, private open space etc. and will provide a good level of residential amenity, due to their dual aspect design, with the duplex units featuring south-facing balconies and roof gardens. It should, however, be noted that no public open space is provided to serve the residential units, and this is dealt with elsewhere in this report.

8.5.3. Block B is a two storey building, which is triangular in shape and comprises retail at ground floor with a medical centre at first floor level. The building is set back from the site boundary walls to the east and south, creating an alleyway type effect between Block B and the petrol station to the south and Castleknock Village shopping centre to the east. The existing entrance to the shopping centre will be opened as part of the development, providing a link between the two sites, which will serve to create some pedestrian activity along these alleyways. The applicant has expressed their hope that the boundary wall between the two sites could be removed in the future subject to agreement with the adjoining landowner, although this does not form part of the proposed development. While the removal of the boundary wall concurrent with the construction of Block B would be preferable in terms of enhancing the pedestrian environment and avoiding anti-social behaviour at this location, I consider that the design of Block B is of acceptable quality, with stone and red brick clad

elevations and extensive ground floor glazing to the eastern and southern elevations, which will facilitate the creation of active ground floor use and a high quality pedestrian environment should the boundary walls be removed in the future. I also consider that concerns regarding anti-social behaviour can be addressed through a condition requiring a management plan to be submitted to the Planning Authority. Block B also integrates well with the permitted redevelopment of Ennis House (Reg. Ref. FW15A/0125) which is located to the south west. I consider that the two buildings complement each other in terms of design, materials, scale and alignment.

- 8.5.4. I note that the drawings for Blocks A and B indicate potential sub-division of retail units at ground floor level. Given the potential intensification of use and increase in car parking/traffic which could arise from such sub-division, I consider it appropriate to include a Condition ensuring that no sub-division or amalgamation of units occurs without a prior grant of planning permission.
- 8.5.5. Block C comprises the supermarket, a retail unit/coffee shop and a second coffee shop. It is a two storey building (three storey equivalent) with a maximum height of 11.5m along its southern elevation, reducing to c. 7.8m along its northern elevation due to its monopitch roof. The supermarket is located at first floor level, over the undercroft car parking, coffee shop/retail unit and coffee shop, which are at ground floor. While the building is somewhat monolithic due to the nature of the supermarket use which requires a large open floorplate, I consider that the design as amended on foot of the request for further information is of considerable quality, with red brick cladding, feature areas of stone cladding and extensive glazing, including triple height glazing and a glass brise soleil screen at the main entrance. The rear elevation and parts of the side elevations are more utilitarian, comprising alucubond cladding panels, which is a common form of cladding used for large structures. While this elevational treatment does not match the principle elevations in terms of quality, I consider it to be acceptable in these areas which are of limited visibility.
- 8.5.6. In conclusion, I consider the design and layout of the proposed development to be acceptable. It is consistent with planning policy and guidelines, it integrates with, and extends, the existing village core and it is of an appropriate form, scale, massing and density for this centrally located infill site.

8.6. Retail Impact

- 8.6.1. A number of appellants and observers contend that there is no demand or requirement for a retail development of this scale in Castleknock, and that it will have an undue negative impact on the vitality and viability of existing retail units in Castleknock. While there is currently no supermarket in Castleknock, a number of parties at the oral hearing listed the existing supermarkets available in the wider area and contend that there is sufficient provision of retail floor space in the area to meet demand.
- 8.6.2. No Retail Impact Assessment was submitted with the planning application, or requested by the Planning Authority. However, having regard to the central location and 'TC' zoning of the appeal site, I consider that the proposed development is consistent with the principle of sequential development as outlined in the Retail Planning Guidelines for Planning Authorities 2012. The Guidelines state that where the location of a proposed retail development is demonstrated to the satisfaction of the planning authority to be compliant with the policies and objectives of a Development Plan and/or Retail Strategy to support city and town centre, additional supporting background studies or retail impact studies are not required.
- 8.6.3. Castleknock is designated as a Level 4 retail centre in the Fingal Retail hierarchy, and the Retail Strategy for the Greater Dublin Area 2008-2016 notes that in the case of neighbourhood/small town/village centre retail developments within the retail hierarchy, that such centres should generally provide for one supermarket or discount foodstore ranging in size from 1,000 to 2,500 sq m with a limited range of supporting shops and retail services. The proposed supermarket at first floor level of Block C has a gross floor area of 2,110 sq m and a net retail floor area of 1,295 sq m, and is therefore consistent with the provisions of both the Development Plan and the Retail Strategy for the GDA.
- 8.6.4. I consider that the presence of existing supermarkets in the wider Dublin 15 area which were identified on maps by a number of parties, means that, rather than acting as a retail destination for the wider area, the principal catchment area of the proposed development is likely to be the residents of Castleknock and its immediate hinterland.

- 8.6.5. With regard to the impact on vitality and viability of existing retail and non-retail services within Castleknock, I consider that the provision of a supermarket, additional retail units and complementary uses such as coffee shops and medical centre within the village core in an attractively landscaped setting, allied with the improvements to connectivity and permeability between the existing shopping centres and the appeal site, will serve to promote cross-visitation between retail units, bring additional customers to the Village Centre and therefore enhance the vitality and viability of Castleknock Village as a whole.
- 8.6.6. In conclusion, therefore, having regard to the Retail Strategy for the Greater Dublin Area, the retail policy and objectives set out in the Fingal Development Plan 2017-2023 and the Town Centre zoning and location of the appeal site, I am satisfied that the proposed development is supported by planning policy, that it accords with the position of Castleknock in the retail hierarchy and the relevant zoning objectives for the site and that it will not have a significant adverse effect on the vitality and viability of the Village Centre

8.7. **Connectivity and Boundary Treatments**

- 8.7.1. The appeal site adjoins two small shopping centres to the south, Castleknock Village Shopping Centre and Ashleigh Shopping Centre. The proposed development includes the replacement of existing timber gates to allow the reopening of an existing entrance into the Castleknock Village Shopping Centre to facilitate pedestrian movement between the two sites. The applicant has stated their preference for the ultimate removal of the boundary wall between the two sites and state that the agents for the Shopping Centre have indicated that they are positively disposed towards this, although there is no agreement currently in place. With regard to Ashleigh Shopping Centre, it was proposed to form a new pedestrian gate in the existing brick and railing boundary wall to link the two sites. The owner of the Ashleigh Shopping Centre, Mr John Donnelly, appeared at the oral hearing and stated that he objected to the provision of a gated access point controlled by Lidl and would prefer a larger opening between the two sites, demarcated by bollards to prevent car movements. The applicant subsequently made a proposal at the Hearing to provide a c. 22m long opening in the boundary wall between car parking spaces Nos. 78 and 85 between the two sites. Mr Donnelly confirmed his agreement to this

proposal and the Planning Authority indicated that they would also welcome it. I consider that the provision of enhanced linkages between the retail developments is a positive development, and is in accordance with the provisions of the Fingal Development Plan 2017-2023, particularly Objective CASTLEKNOCK 4 which seeks to promote and facilitate pedestrian movement to and from back-land sites to the rear of the Ashleigh and Castleknock shopping centres. I therefore recommend that, if the Board is minded to grant permission, that a Condition be included requiring the opening up of the pedestrian linkages to the adjoining shopping centres as outlined above, prior to opening of the development. Details of boundary treatments and measures to ensure pedestrian safety and prevent vehicular traffic passing between the sites should be submitted to the Planning Authority for agreement.

- 8.7.2. The owner of the property to the north of the appeal site, which comprises a house known as Glenmalure and its associated open space argues that the proposed development fails to comply with the Castleknock UCS due to its failure to link to the Glenmalure site. The appellant's agent confirmed at the oral hearing that there is currently no proposal to redevelop Glenmalure, but considered that it had potential to accommodate a nursing home or residential development. The appellant therefore asks that the proposed development be amended to provide a direct link to the north to his site. The applicant has argued that provision is made for a potential future link to the north, albeit that it is in a slightly different location. They also contend that the UCS indicates a pedestrian linkage to the lands to the north, with vehicular access to the Glenmalure site via its existing laneway to Castleknock Road. The location of the proposed linkage point is a small area of land which is located to the rear of, but separated from, the Protected Structures along Castleknock Road. The appellant has expressed concern that connecting via this third party land could prevent him from obtaining access, and jeopardises the development potential of his site. I queried the ownership of this small piece of land at the oral hearing, since it previously formed part of the site for the previous Uxbridge planning application and the applicant responded that they do not own or control the land in question.
- 8.7.3. The Fingal Development Plan 2017-2023, which has come into effect following the oral hearing, does not reference the Castleknock UCS, and instead refers to the preparation of an Urban Framework Plan for Castleknock. The Local Objective 619 which applied to the site under the previous Development Plan has also been

removed. That objective sought to provide for mixed uses in any redevelopment on the site which integrates with adjoining backland areas to the north east. I therefore consider that there is no express requirement for the proposed development to link to a particular landowner's site and I note that the appellant's property at Glenmalure will not be landlocked by the proposed development since it has an existing vehicular access laneway from Castleknock Road.

8.7.4. Notwithstanding this, I consider the provision of improved permeability and connectivity between backlands sites in Castleknock Village to be an important element in ensuring that infill development is compliant with the objectives for Castleknock, as set out in the Development Plan 2017-2023. In this regard I note that the northern connection is indicated as a 'possible future vehicular access' on drawings, while the provision of tree planting at the connection point and the location of lighting standards and feature boulders would appear not to be conducive to a future opening up of this link. I therefore recommend that if permission is granted, that a Condition be included requiring the landscaping at this location to be omitted, with the hard surfacing to continue to the boundary wall, and boulders/lights to be relocated accordingly. Subject to this, I consider that the proposed development makes suitable provision for future connections to backlands development to the north.

8.7.5. Should the link to the north be opened up for vehicular access in the future, this could entail a significant number of vehicles passing through the shared space, referred to as a civic space, between Blocks A and C. I would have concerns in relation to the impact such vehicular access could have on the functionality and character of this civic space, which is adjacent to the supermarket entrance and is designed as a landscaped area with coffee shops to either side and outdoor seating. In response to a query at the oral hearing, the Planning Authority's Transport Engineer advised that the link to the north could be for one-way traffic, and that he was satisfied based on international experience that the shared space could accommodate a reasonable quantum of traffic while operating in a safe and effective way for pedestrians. For the purposes of this planning application, I consider it sufficient to ensure that no barrier is put in place to prevent future connection to the north. Any subsequent development proposal on those lands will require an assessment of access and traffic safety issues.

- 8.7.6. A number of appellants and observers have also expressed concern regarding the north eastern boundary treatment between the appeal site and the Castleknock Park housing estate. This boundary is currently defined by a chainlink fence, with a line of mature poplar trees on the Castleknock Park side of the boundary. A number of different proposals have been made for this boundary treatment in the course of the planning application, including a blockwork wall, timber fence, dwarf wall with railing and full-height railings. Appellants' concerns in relation to this boundary relate to protection of residential amenity (particularly with regard to the location of the loading bay close to the boundary), protection of the poplar trees and potential future connection between the proposed development and Castleknock Park which could result in customers or staff parking in their estate.
- 8.7.7. With regard to a linkage between the appeal site and Castleknock Park, I note that the proposed development does not include any such pedestrian or vehicular link and I also note that Objective CASTLEKNOCK 7 of the Fingal Development Plan 2017-2023 is to prevent access between Castleknock village and Castleknock Park. I therefore have no concerns in this regard. With regard to the poplar trees along the boundary, they are mature trees, in good condition, and contribute to the residential amenity of the residents of Castleknock Park. They will also provide a degree of screening between the proposed development and the residential area. The nature of the boundary treatment therefore requires a balance between protection of the poplar trees and protection of residential/visual amenity. The applicant's arborist has noted that excavation of strip footings for a blockwork wall would encroach on the root protection area for these trees and result in root severance. This resulted in the proposals for a timber fence or railing. A number of appellants and observers have proposed a blockwork wall set back 5m from the boundary, as required by way of Condition for the permitted Uxbridge development.
- 8.7.8. The arborist in his note at clarification of further information stage indicated that there is potential to minimise the impact on the roots while providing a solid wall, by using micro-piling with concrete ground beams spanning between the piles to avoid root systems. I consider that a solid wall is more appropriate than a railing in this location due to the proximity of the loading area, bin stores and the noise associated with reversing trucks. As indicated by the arborist, and accepted by the Planning Authority's Parks Superintendent at the oral hearing, there are engineering solutions

to this problem, and I recommend that a Condition be included requiring a solid wall to be provided at this boundary, with details of construction methodology and tree protection measures to be agreed with the Planning Authority.

- 8.7.9. In conclusion, I consider that the proposed development, as amended by my recommended conditions, provides a suitable level of connectivity and permeability for this important backlands site in accordance with Development Plan objective CASTLEKNOCK 4. It will provide connections to the Ashleigh Shopping Centre and Castleknock Village Shopping Centre, and will facilitate future connection to backlands areas to the north, while providing a suitably solid boundary with the adjoining residential area.

8.8. Residential Amenity

- 8.8.1. The issue of potential overlooking of neighbouring properties from the proposed residential units was raised by a number of parties. A particular point of concern was potential overlooking of schools and their outdoor play areas by the residential units in Block A, from a child safety perspective. I note that the distance from the northern elevation of Block A to Castleknock National School is a minimum of c. 45m and to St Bridget's National School is a minimum of c. 80m. Having regard to these distances, I do not consider that any excessive level of overlooking of the schools or their play areas will occur. Any potential overlooking will either be into the site towards commercial buildings, or to the rear, again towards properties that are in commercial use.
- 8.8.2. The owner of Glenmalure, the property to the north, has raised the issue of overshadowing and the overbearing impact of the Block C supermarket building on his property. While the owner of Glenmalure has indicated that he is considering development proposals for the site, such as residential or nursing home, it is currently a detached house with a large amount of private open space. The house is located to the north of the proposed supermarket, and is aligned with its front elevation facing west. It is a two storey structure with a single storey element to the south. The rear elevation of the supermarket is c. 5.2m from the side elevation of the single storey element and c. 10m from the side elevation of the main house. The height of the supermarket building is reduced along this rear elevation, and is c. 7.8m, compared to 11.5m at the front elevation. I note that it is proposed to retain the

existing boundary between the two sites, reinforced by additional planting on the appeal site. Having regard to the height and setback of the building, the east/west orientation of Glenmalure and the extensive private open space it enjoys, I do not consider that there will be a significant adverse effect on the residential amenity enjoyed by Glenmalure in terms of either overshadowing, overbearing or overlooking.

8.9. Noise

- 8.9.1. A number of appellants have expressed concern in relation to noise from the proposed development. This was expanded upon at the oral hearing, and it appears that the concerns principally relate to noise from plant and equipment, as well as noise associated with deliveries and unloading. This is a particular concern for residents of Castleknock Park due to the location of the loading bay at the eastern end of the site, adjacent to the boundary with Castleknock Park. This issue also ties into the boundary treatment along this boundary, with residents being concerned that a fence would not provide sufficient noise attenuation.
- 8.9.2. The drawings indicate very little plant and equipment associated with the supermarket, with plant areas apparently limited to two small areas at ground floor at the eastern and western ends of Block C. At the oral hearing I queried whether there was any intention to install other plant externally or at rooftop level. The applicant's architect stated that there was no intention to install rooftop plant, but that some external plant would be located adjacent to the loading bay. I note that the position identified by the architect is indicated on the drawings as being a bin store rather than a plant area.
- 8.9.3. The provision and location of plant has the potential to result in noise impacts on the surrounding area and to affect residential amenity as well as visual amenity, should rooftop plant be utilised. I therefore consider it appropriate to include a Condition limiting plant to the areas indicated on the drawings, with any additional external plant to be the subject of a further planning application.
- 8.9.4. With regard to noise associated with deliveries and unloading operations, appellants' concerns relate to reversing alarms, air brakes and the unloading operation itself and the potential for deliveries at unsocial hours. The closest houses to the loading bay

are c. 26m to the east. I consider that the provision of a solid boundary wall, as discussed elsewhere in this report, will serve to attenuate noise to a degree, but in order to ensure that residential amenity is protected, I recommend that Conditions be imposed restricting delivery hours, and requiring the applicant to submit noise monitoring and control proposals to the Planning Authority for agreement. I note in this regard that the Planning Authority proposed alternative delivery hours at the oral hearing to those included in condition 9(ii). The revised delivery hours are 07:30 – 12:30 Monday to Saturday and 09:30 – 17:30 on Sundays and public holidays. They also suggested at the hearing that a flag man could be utilised to allow trucks to turn off reversing alarms, and that a covered area could be provided at the entrance to the loading bay. I consider that these noise control measures can be best addressed by way of Condition as outlined above.

8.10. Architectural Heritage

8.10.1. The appeal site is partially located within the Castleknock Architectural Conservation Area and there are eight Protected Structures in the immediate vicinity of the appeal site, including two adjacent to it. The Protected Structures, and their reference numbers, are as follows:

- 764 and 765: St Brigid's Well and Church.
- 766 and 767: Village House and Post Office House, a pair of semi-detached redbrick houses.
- 768 – 771: Nos. 1-4 Castleknock Road, two pairs of semi-detached redbrick houses.

8.10.2. Objectives CH20 and DMS157 of the Fingal Development Plan 2017-2023 seek to ensure that development is compatible with the character and setting of protected structures and ACS's, respectively and appropriate in terms of design, scale, height, materials etc.

8.10.3. Block A is within the ACA and is adjacent to the Village House and Post Office House protected structures. I consider that the design of Block A is complementary to, and respectful of, the adjacent protected structures and the character of the ACA due to its scale and two storey height to the western elevation. The elevation of Block A which addresses Castleknock Road is traditional in style and features red

brick cladding with a limestone shopfront, a pitched slate roof and cast iron gutters/downpipes, as well as having windows with a vertical emphasis and a high solid to void ratio. The elements to either side of this traditional form utilise the same materials but are more contemporary in design and I consider that this serves to act as an appropriate transition between the ACA portion of the site and the more contemporary development on the backlands area of the site. The Planning Authority have expressed a preference for the fascia and soffit of the Castleknock Road elevation of Block A to be timber, and I consider this to be appropriate in order to ensure that the character of the ACA is protected.

- 8.10.4. I consider the design response in this instance to be superior to the previous application on the site (PL06F.243715), which the Board refused permission for various grounds, including that it would be out of character and visually obtrusive within the ACA. The comparative photomontages included in the applicant's response to the appeals clearly demonstrate that the proposed development, in terms of its scale, massing, design and materials is far more compatible with, and sympathetic to, the special character of the protected structures and the ACA than the refused scheme.
- 8.10.5. On the basis of the drawings, photomontages and my site inspection, I am satisfied that the proposed development is compatible with the ACA designation and it will not have a significant negative impact on the character or integrity of the ACA, or on the surrounding protected structures and their associated curtilage.

8.11. **Other Issues**

8.11.1. Public Open Space

No public open space has been provided in relation to the residential element of the proposed development. Objective DMS57B of the Fingal Development Plan allows for a financial contribution to be made in lieu of open space provision. Having regard to the limited extent of the residential element, the location of the appeal site within Castleknock Village centre and the presence of the shared civic space adjacent to the residential units, I consider that a contribution in lieu of public open space is acceptable in this instance.

8.11.2. Archaeology

The appeal site is located within a historic town centre location, with two recorded archaeological sites located within 100m: St Brigid's Church (DU017-008001) and a holy well (DU017-009), both c. 45m to the west. An Archaeological Assessment was submitted on foot of a Request for Further Information. A programme of test trenching was undertaken and no archaeological deposits or features were found, although it was considered that small-scale features could exist outside of the investigated area. The Assessment therefore recommends archaeological monitoring during excavations. The DAHG indicated to the Planning Authority that they have no objection subject to monitoring, and I recommend that a suitable Condition be imposed, if permission is granted.

8.11.3. Anti-Social Behaviour

A number of parties have expressed concerns with regard to potential anti-social behaviour, particularly in the vicinity of the undercroft car park. I am satisfied that the undercroft car park can be adequately secured out-of-hours, and that with proper management and provision of adequate lighting, the proposed development will not give rise to any significant level of anti-social behaviour. This issue can be addressed by way of a condition requiring submission of a management plan for the development.

8.11.4. Signage

The Block C supermarket is indicated as having two 2.5m x 2.5m backlit acrylic signs located at a high level on its southern elevation. The signage on the traditionally designed element of Block A facing Castleknock Road is also indicated as raised backlit letters on a stone fascia. The remainder of the signage for the new retail units in Blocks A and B are indicated as raised letters, but are not identified as being backlit.

Having regard to the location of the appeal site within a historic village centre, and partially within an ACA, I do not consider the use of backlit signage to be appropriate in this instance. I therefore recommend that a condition be included precluding the use of backlit signage throughout the development.

8.11.5. Taking-in-Charge

The Transportation Planning Section of the Planning Authority has indicated that it may be necessary to take a portion of the site in charge. The applicant in their

response to the request for further information considered that this would not be necessary. Having reviewed the drawings, I concur with the Planning Authority that it may be necessary for them to take a limited portion of the site along the boundary with Castleknock Road in charge, in order to ensure traffic signals and control measures and pedestrian safety measures are implemented and maintained. I therefore consider it appropriate to attach a Condition regarding the extent of this area to be agreed with the Planning Authority prior to commencement.

8.12. Appropriate Assessment

8.12.1. Having regard to the nature and scale of the proposed development, which comprises an infill development in a serviced town centre location outside of any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the pattern of development in the area, the zoning provisions of the site as set out in the Fingal Development Plan 2017-2023, the Retail Planning Guidelines for Planning Authorities 2012, the planning history of the site, and the design, layout and mixed use nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11th day of July 2016 and the 2nd day of September 2016, 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. Any sub-division, amalgamation or change of use of any of the units on site, whether or not such works or change of use would otherwise constitute exempted development under the Planning and Development Regulations 2001 as amended, shall not be undertaken without a prior grant of planning permission.

Reason: In the interest of clarity and orderly development.

3. Prior to commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority:
 - (a) The materials, colours and textures of all the external finishes to the proposed development.
 - (b) All plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the development.
 - (c) Any security grills/shutters to be provided shall be internally fitted; colour finished and be of a see through variety.
 - (d) All external signage shall be located within the landholding. A co-ordinated overall design shall be submitted for all external signage including site identification and directional signs within the development. No signage shall be backlit.
 - (e) Details of the proposed lighting system to serve the development.

- (f) Details of the extent of the access road and footpath to be taken in charge by the Planning Authority for the purposes of traffic management and traffic and pedestrian safety.
- (g) Details of the works to the public road to upgrade the junction of Castleknock Road/College Road/site access road, including road markings, signage and the location of control loops.
- (h) Details of the car park control system. The system shall include the implementation of paid parking if the demand for car parking exceeds supply. The decision on whether parking demand outstrips supply shall lie with the Planning Authority.

Reason: In the interests of visual amenity and orderly development and traffic safety.

4. The internal road network serving the proposed development, including turning bays, loading bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. No advertisement or advertisement structure, other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings, or within the curtilage of the site, in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity

6. Prior to the opening of the supermarket unit in Block C for public trading, a management scheme providing adequate measures relating to the future maintenance of the overall landholding including storm water attenuation, roads, public toilets, parking areas, landscaping, litter, services, security and public lighting shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to ensure the adequate future maintenance of all areas of the development and in order to protect the amenities of the area.

7. Prior to the opening 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 car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all retail and medical units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

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

Reason: In the interest of public health.

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

10. 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. 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.

11. (a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of the poplar trees at the eastern boundary of the site shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the trees, together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by building operations.

12. The trading hours of the retail units, including the supermarket, shall not exceed 09:00 to 21:00 Monday to Saturday and 10:00 to 21:00 on Sunday. Deliveries to the supermarket shall not take place outside of the hours of 07:30 to 12:30 Monday to Saturday and 09:30 to 17:30 on Sunday and public holidays.

Reason: In the interest of the residential amenities of property in the vicinity.

13. 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.

14. 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.

Reason: In the interests of orderly development.

15. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest dwelling

between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

16. The landscaping scheme shown on drawing No. 13-344-PD-01, as submitted to the planning authority on the 2nd day of September, 2016 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:

- (a) No planting shall be provided at the location of the future connection point to the lands to the north of the application site.
- (b) The boundary wall between the application site and the Ashleigh Shopping Centre site shall be removed between car parking space Nos. 78 and 85, and replaced with bollards or similar impediment to prevent vehicular traffic between the two sites.
- (c) The pedestrian linkages between the application site and the Ashleigh Shopping Centre and Castleknock Village Shopping Centre shall be installed and fully operational no later than four weeks following the opening of the supermarket unit in Block C.
- (d) A two metre high concrete or blockwork wall shall be constructed along the eastern boundary of the site, adjacent to Castleknock Park residential estate. Prior to commencement of development, the applicant shall submit details of the proposed wall to the Planning Authority for agreement, including a method statement indicating how the wall shall be constructed without significantly impacting on the root systems or integrity of the poplar trees at this location.
- (e) 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 developer shall provide for a piece of public art, the detailed design of which shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual amenity and to comply with objective DMS05 as set out in the Fingal County Development Plan 2017-2023.

18. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the poplar trees at the eastern boundary of the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such

security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees at the site boundary.

20. The developer shall pay to the planning authority a financial contribution in lieu of the provision of 600 sq m of public open space, authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the costs of providing services that will benefit the proposed development.

21. 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.

Niall Haverty
Planning Inspector

21st March 2017

Appendix A:

Agenda for Oral Hearing as Circulated to Parties in Advance of Hearing

Agenda

Tuesday 31st January 2017	
Time	Topic
AM	<ul style="list-style-type: none">• Opening of oral hearing
	<ul style="list-style-type: none">• Applicant:<ul style="list-style-type: none">○ Summary of proposed development (max. 10 minutes)○ Response to issues raised in appeals
	<ul style="list-style-type: none">• Planning authority
	<ul style="list-style-type: none">• Prescribed bodies
	<ul style="list-style-type: none">• Appellants' submissions
13:00 – 14:00	Break
PM	<ul style="list-style-type: none">• Appellants' submissions continued
	<ul style="list-style-type: none">• Observers' submissions
Wednesday 1st February 2017	
Time	Topic
AM	<ul style="list-style-type: none">• Observers' submissions continued
	<ul style="list-style-type: none">• Questioning between the parties
	<ul style="list-style-type: none">• Closing comments in the following order:<ul style="list-style-type: none">○ Appellants○ Planning Authority○ Applicant
	<ul style="list-style-type: none">• Closing of oral hearing

Appendix: Order of Appearance for Appellants and Observers

Appellants

1. Castleknock Residents Action Group
2. Joan Burton TD & John Walsh
3. Jack Chambers TD and Cllr Howard Mahony
4. Cllr Eithne Loftus
5. Donal Daly

Observers

1. Terence Ahern
2. Simon O'Neill
3. Regina Prenderville
4. Edward MacManus
5. Miriam Rogers
6. Brian Rogers
7. Declan & Marty Mescall
8. Evelyn & Brian McAufield
9. David & Elaine Orr
10. Patrick & Anne Sharpe
11. Gerard & Yvonne McEntee
12. John Ward
13. Anne & Tom Carpenter
14. Francis Martin
15. Rory & Joan Scannell
16. Patricia, Tony, Myles & Ruairi Sheehan
17. John O'Brien
18. Con Clarke
19. Ted Leddy
20. Castleknock Park Residents Association
21. Dónall & Máire Ó Baoill
22. Phillipa & Norman Fitzgerald
23. KRC Residents Association
24. Cllr Roderic O'Gorman

- 25. Mary Gibbons
- 26. Elizabeth & John Nolan
- 27. Martin O'Halloran