



An  
Bord  
Pleanála

## Inspector's Report 06F.247769

---

<b>Development</b>	Construction of 126 houses, 53 apartments, crèche and all associated site works. The proposed development amends the scheme permitted under PL06.235189 and partly amends PA ref. FW14A/0066.
<b>Location</b>	Phase 2, Hamilton Park, Diswellstown, Castleknock, Dublin 15.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	FW16A/0093.
<b>Applicant(s)</b>	Cherryfield Courts Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Councillor Howard Mahony 2. Councillor Roderic O’Gorman
<b>Observer(s)</b>	38 (see attachments)
<b>Date of Site Inspection</b>	27 <sup>th</sup> March 2017
<b>Inspector</b>	Deirdre MacGabhann

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	8
4.0 Planning History.....	13
5.0 Policy Context.....	14
6.0 The Appeal .....	14
7.0 Assessment.....	27
8.0 Recommendation.....	40
9.0 Reasons and Considerations.....	41
10.0 Conditions .....	41

## 1.0 Site Location and Description

- 1.1. The 4.95ha appeal site lies to the west of the M50, approximately midway between junction 6 and 7. It is situated to the north of Porterstown Road and south east of Diswellstown Road in Castleknock, Co. Dublin. Access to the site is via Diswellstown Avenue and its roundabout junction Diswellstown Road (see attachments). The development comprises the second phase of the Hamilton Park residential development, which is under construction to the north of the appeal site.
- 1.2. The appeal site is a relatively flat and currently undeveloped, comprising originally agricultural land. At the time of site inspection, it was in use, in part, for parking of construction vehicles/storage of materials etc. associated with the phase 1 development to the north.
- 1.3. To the west of the site lies St. Patrick's National School. Access to the school is via a roundabout junction on Diswellstown Avenue and a short cul-de-sac which terminates, by roundabout, at the school entrance. Raised crossing points are provided on two arms of the junction (eastern and western arms). Parking for staff/visitors is provided to the east of the school building and a bus layby is in place to the west of the cul-de-sac (east of the school). To the north of the school there are roadside parking spaces along each side of Diswellstown Avenue. An external hard play area lies to the east of the school buildings and north of the staff/visitor car park. A larger grass play area lies to the north of the school, south of Diswellstown Avenue.
- 1.4. To the south west of the appeal site is Diswellstown Manor, a residential development which is under construction, but substantially complete. Within, and to the south west of, the Diswellstown Manor development is Diswellstown House, a protected structure.
- 1.5. The wider area in which the appeal site lies is characterised by medium density residential development, including Burnell Park and Mulberry Park to the north and Luttrellstown to the west. Carpenterstown neighbourhood Centre lies c.500m to the north west of the appeal site and Coolmine railway station lies c. 1km to the north west of it. Castleknock Golf Course lies to the south of Porterstown Road.

## 2.0 Proposed Development

### 2.1. As Submitted

- 2.1.1. The proposed development comprises a residential development of 179 dwelling units (126 no. houses and 53 no. apartments) and a crèche, with associated arrangements for access, car parking and public open space. The site is located immediately south of the permitted Phase 1 'Hamilton Park', granted permission under PA ref. FW14A/0066 and itself comprises Phase 2 of the development. It will be served by the access road, infrastructure and open space permitted under Phase 1, including a large area of Class 1 open space to the east of the appeal site (see drawing no. 6061\_2\_302, Phase 1 and Phase 2 Open Space Areas).
- 2.1.2. Access to the development is proposed via the central boulevard, Diswellstown Avenue, granted under PA ref. F14A/0066, with the development carried out on lands to the south of the Avenue. A proposed future pedestrian link is indicated to the Diswellstown Manor development to the south west of the site. An emergency access is provided to Porterstown Road to the south of the site, which has the potential to provide a pedestrian connection to the south.
- 2.1.3. The development is typically laid out in residential in blocks, accessed off the main avenue and associated internal road network. Houses are typically detached or semi-detached and include three and four bedroom properties. An area of open space is provided to the centre west of the development, with housing to the east and west of it, overlooking it. Two no. curtilage car parking spaces are provided per house.
- 2.1.4. The 53 no. apartments, and crèche, are contained in a single four storey block, Block 7, to the west of the site, facing St. Patrick's School. The apartment block has a mix of one, two and three bedroom units and the crèche (355sqm), at ground floor, has an external play area to the south of the building. Undercroft and surface parking spaces are provided for the apartment block and surface parking is provided for the crèche (drop off spaces, staff and visitor spaces).
- 2.1.5. The Phase 2 development also includes part of the site of the previously approved Phase 1 and proposes alterations to elements of the Phase 1 permission (PA ref. F14A/0066), including:

- Revisions to communal open space for apartment Block 6A and 6B, increasing the overall provision of open space in the area. Alterations include relocation of bicycle stands to provide more useable communal open space.
- A reduction in private open space of unit nos. 154-157, reducing their size from c.115sqm to 77sqm (still in excess of development plan standards).

2.1.6. The application for the proposed development is accompanied by the following:

- Planning Report – Describes the nature of the proposed development, the planning history of the site and the applicant’s response to issues raised in pre-application discussions with the planning authority. It refers to a Transportation Assessment previously carried out for Phase 1 of the development (which took account of the previously permitted Phase 2 development of 187 units).
- Design Statement – Describes the form and layout of the development, permeability, access and circulation, height and density, street frontages and treatment of elevations.
- Landscape Report – This report and the associated drawings, describe the approach adopted towards the provision of hard and soft landscaping and public open space, in accordance with development plan requirements.
- Ecological Assessment – Concludes that the site is of minimal ecological value, with no key ecological receptors present.
- Appropriate Assessment Screening Report – Identifies European sites in the vicinity of the appeal site which are potentially linked to the proposed development (water pathway to the River Liffey, which flows into Dublin Bay, and which lies c.500m from the site at its closest point). Having regard to the arrangements for the disposal of surface water during construction and operation (section 5.1 and 5.2 of report), which will ensure that there are no impacts on water quality as a consequence of the development, it concludes that the project is not likely to have any significant effects on any European site (alone or in combination).
- Tree Survey and Arboricultural Method Statement – Assesses the condition of existing trees and hedgerows on site. Plans for the development include

retention of oak and ash trees (Category B and C) in the proposed open space area (centre west of the development) and a hedgerow along the southern boundary of the site.

- Engineering Services Report – Provides details regarding arrangements for foul and surface water and provides a site specific flood risk assessment. Section 5 deals with roads and traffic. It refers to a previous Transportation Statement, prepared under PA Ref. FW14A/0066 which demonstrated that Diswellstown Road roundabout would continue to operate with a significant level of reserve capacity when the proposed enhancements are completed (proposed under PA ref. FW14A/0066). Having regard to the smaller number of units now coming forward under Phase 1 and Phase 2 (38 fewer than originally granted) and the similar road layout, they consider that there is no material change to the conclusions of the Statement.
- Schedule of accommodation – Demonstrates compliance with government standards for housing units and apartments.

## 2.2. Further Information

2.2.1. On the 29<sup>th</sup> September, 2016, the applicant submitted further information in respect of the proposed development, in particular regarding:

- Site Layout:
  - Revised southern elevation to apartment block (to ensure no overlooking).
  - Revised layout for unit nos. 07 and 09 (to ensure no overshadowing).
  - Revised house types for unit nos. 46, 79 and 104 (more active elevation, fully addressing the road to the south and north).
  - Revised plans for unit type 2C (to demonstrate sufficient storage areas).
  - Revised bin storage for apartments (undercroft area amended so that bin storage and bicycle store areas are subdivided and located adjacent to circulation cores, stair and lift locations).
  - Revised boundary treatment plan for unit nos. 19, 32, 46, 79 and 104.
- Open Space:

- Clarification that wayleave will not impact on the provision of drainage to the proposed pitch (provided in Phase 1 of the development).
- Clarification that open space provision in the overall development meets (and exceeds) development plan requirements.
- Clarifies location of lighting columns in relation to tree planting (7m or greater from column).
- Car Parking/Transportation Issues:
  - Clarification regarding proposed staffing level for crèche (notional layout caters for up to 100 children in 6 rooms, with two staff per room = 6 no. car parking spaces), and provision of 6 no. spaces for staff, two no. disabled spaces, 1 no. visitor space and 5 no. parallel set down spaces (to exclude reversing manoeuvres).
  - Revised parking space provision for house nos. 9, 61 and 79 (to eliminate potential vehicular conflicts) and revised parking and pedestrian provision for house no. 126 (to eliminate vehicular/pedestrian conflict).
  - Additional traffic calming measures for road that runs alongside public open space (to the east of the site).
  - Revised layout/or clarification of layout for shared surface area serving house nos. 80-104 and revised arrangements for footpath connectivity, surface finish and access to parking for dwelling nos. 85 and 94.
  - A revised taking in charge drawing that includes the footpath adjacent to the road in the vicinity of the apartments.
  - Revised details in respect of the proposed construction and surface materials for proposed emergency access.
- Crèche - Details of proposed opening hours and ground floor plan showing uses within each room.
- Pedestrian Access - Details of pedestrian access between the appeal site and Diswellstown Manor development.

### 2.3. Clarification of Further Information

2.3.1. On the 5<sup>th</sup> January 2017, the applicant responded to the planning authority's request for clarification of the further information submitted and provided revised details in respect of parking provision for the apartment block. In summary, provision is revised to include:

- To the west of the apartment block - 5 no. set down spaces for the crèche, 6 no. staff spaces, 2 no. disabled spaces (one for the apartment block, one for a visitor) and 1 no. visitor space (14 no. in total).
- To the east of the apartment block – 36 no. on street spaces for the apartment block, 9 no. visitor spaces).
- In the undercroft of the building – 41 no. apartment spaces.

2.3.2. The applicant also states that the 5 no. set down spaces and 6 no. staff spaces can be used as visitor spaces after hours. (In total, 343 car parking spaces are proposed, 252 to serve the houses and 91 to serve the apartments and crèche).

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 23<sup>rd</sup> November 2016 the planning authority decided to grant permission for the development subject to 32 conditions. Most are standard and the remainder refer to the following:

- No. 2 – No. of dwellings the permission relates to (179 no. with 126 no. houses and 53 no. apartments).
- No. 3 – Crèche and pedestrian link to the south of the crèche to be open no later than the completion of the first 75 no. residential units.
- No. 4 – Requires (a) revised parking layout for the apartment and crèche (to include buffer planting) which may require a reduction in the no. of apartment parking spaces, (b) revised cross section of parking and road layout east and west of apartment block, (c) details of raised pedestrian crossing ramp from crèche to school, and (d) construction and surface materials for proposed emergency access.



- No. 5 – Revised landscape plan to be submitted to include details on street trees to the east and west of the apartment complex, grass margins, location of lamp standards. Landscaping plan to be completed no later than first planting season following completion of internal road layout.
- No. 6 – Prior to commencement of development applicant to submit revised details of pedestrian and cycleway to the south of the site to link Hamilton Estate to Diswellstown Manor (adjacent to house no. 126).
- No. 7 – Public art.
- No. 8 – Land to the north of St. Patrick’s School (c.4,544 sqm) within the ownership of the applicant shall (drawing no. pS01, received on the 29<sup>th</sup> June 2016) shall be kept free of development and maintained in a satisfactory standard.
- No. 17 – Boundary treatment (drawing no. 6061\_2\_301) to be carried out in full. The grassland area delineated by a perforated green line on drawing no. pS(fi)01, received on the 29<sup>th</sup> June 2016, shall not be fenced off and shall be graded, seeded and maintained as open space.
- No. 28 – Requires pre-development testing of the site (archaeology).
- No. 31 – Requires the payment of a bond or cash payment prior to commencement of development (to ensure satisfactory completion of services).
- No. 32 – Development contribution €1,621,647.

### 3.2. Planning Authority Reports

3.2.1. There are two planning reports on file. The first (23<sup>rd</sup> August 2016) considers the development to be acceptable in principle having regard to the zoning of the site for residential development and the planning history of the site. It recommends that the applicant submit further information in respect of the following:

- Design and Layout – southern elevation of apartment block to ensure no overlooking; revised layout for unit nos. 07 and 09 to ensure no overshadowing; revised house types for units 46, 79 and 104 to provide a more active elevation and fully address the road to the south; revised plans

for apartment type 2C (storage areas to meet requirements of development plan); revised bin storage for apartment at stair and lift locations and revised boundary treatment for units 19, 32, 46, 79 and 104.

- Public open space – information to demonstrate that the wayleave will not impact on drainage of the proposed pitch, site layout plan to show provision of open space in overall development plan to comply with development plan requirements and details of street tree provision.
- Transportation issues – as per those raised in Transportation Planning report (below).
- Crèche – Proposed number of children and staffing level in crèche, hours of operation, ground floor plan indicating use of rooms.

3.2.2. The second (25<sup>th</sup> October 2016) report by the planning officer requests the clarification of the additional information submitted, in respect of a matter raised in the Transportation Planning report (below) and the third report (23<sup>rd</sup> November 2016) recommends granting permission for the development subject to 32 no. conditions.

3.2.3. The following technical reports are also on file:

- Housing (12<sup>th</sup> August 2016) – Development satisfies Part V of the Planning and Development Act, 2000, as amended.
- Parks Planning (12<sup>th</sup> August 2016, 18<sup>th</sup> October 2016 and 9<sup>th</sup> November 2016) – Raise a number of issues including exclusion of the wayleave area from the open space calculation, level of public access to area of land to the north of proposed Class 1 open space area, how playground provision requirements are proposed to be met, details of street tree planting, location of lamp standards (in grass verge), provision of pedestrian/cycle link to Diswellstown Manor to provide safe access between the estates (adjacent to unit no. 126 Hamilton Park development) and street tree planting on roads to east and west of apartment block (to provide visual relief). Final report recommends matters to be addressed by condition.
- Environmental Services (18<sup>th</sup> August 2016) – Recommend conditions to be attached to any permission in respect of waste management, discharge of

ground water or surface water during construction and storage of fuel and/or chemicals.

- Transportation Planning (24<sup>th</sup> August 2016, 19<sup>th</sup> October 2016 and 10<sup>th</sup> November 2016) – Recommends further information in respect of proposed staffing levels for crèche, resultant parking requirements and arrangements for set down; revised parking/pedestrian access arrangements for house nos. 9, 61, 79, 80, 104 and 126; traffic calming for the road that runs north south along the open space; details of pedestrian permeability between the proposed development and Diswellstown House development to the south (under PA ref. FW13A/0075) of the site; revised taking in charge drawings and details of the proposed construction and surface materials for the proposed emergency access. Subsequently, request that the applicant clarify the deficit in car parking spaces for the apartment block and the feasibility of a proposed pedestrian/cycle connection across the emergency access road into Diswellstown Manor development. The last report recommends conditions to be attached to any permission (including buffer planting to reduce area of hardstanding to east and west of apartment block, raised pedestrian crossing ramp from crèche to school and feasibility of proposed pedestrian/cycle connection across emergency access to Diswellstown Manor).
- Water Services (13<sup>th</sup> July 2016, 12<sup>th</sup> October 2016 and 7<sup>th</sup> November 2016) – No objections subject to conditions.
- Irish Water (18<sup>th</sup> July 2016, 11<sup>th</sup> October 2016 and 22<sup>nd</sup> November 2016) – No objections subject to conditions.

### 3.3. Prescribed Bodies

- TII (17<sup>th</sup> August 2017 and 14<sup>th</sup> October 2017) – The Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads (Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG 2012).
- Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (17<sup>th</sup> August 2016) – Development is close to Recorded Monument Nos. DU017-010 and DU017-011. Recommend a condition which requires pre-development archaeological testing in any grant of permission.

### 3.4. Third Party Observations

3.4.1. There are observations on file from the following parties:

- Councillor Roderic O’Gorman
- Karen Kearney and Paul Meagher
- Oonagh Horgan
- Geraldine Casey
- Councillor Howard Mahony

3.4.2. Issues which can be summarised under the following headings:

- Traffic and pedestrian safety issues arising with location of crèche and apartment block, and associated parking, on the access road which serves St. Patrick’s School (including set down area) and Diswellstown Community Centre. The existing road is heavily used at start and finish times (8am to 9am, 1pm to 1.30pm and 2.00pm to 2.30pm). School has developed a very efficient and safe drop off system. The development will impact on this. The application should be accompanied by a traffic management plan.
- Pedestrian safety at junction of Diswellstown Lawn/ Diswellstown Avenue (cul-de-sac to school). A raised pedestrian platform similar to other roads at this roundabout would address this concern.
- The ‘flexible use’ of the ground floor apartment block is inappropriate. Any change of use of ground floor units in apartment block should be subject to a separate planning application.
- The height of the apartment block exceeds the maximum ridge height of development in the area and will be out of context.
- There is little demand for apartments.
- Parking provision for the crèche is inadequate.
- Parking provision for the residential development (only two no. spaces per house) is inadequate. A similar level of provision has been made in Phase 1 but is proving problematic (i.e. insufficient visitor parking, no third space for rental properties).

- A smaller scale development would be more appropriate on the site, with more public open space than the minimum proposed.

## 4.0 Planning History

- 4.1. In 2009 planning permission was granted, on the appeal site and lands to the north and northeast of it, for a residential development of 438 units, PA Ref. F08A/1425 and PL06F.235189 (the 'parent permission'). The original development proposed in respect of the appeal site provided for 186 dwelling units and a local centre of 744sqm.
- 4.2. Under condition no. 5 of the permission, development on the southern half of the overall development (the appeal site) was to be completed in advance of that on the northern half of the site. This 'parent permission' was extended under PA Ref. F08A/1425/E1 and in 2012, planning permission was granted for the amendment of condition no. 5 to allow for the northern half of the overall development to be completed first.
- 4.3. Subsequently, permission was granted in 2014 for an amended Phase 1 of the development (FW14A/0066), on the northern part of the site, with the development to comprise 224 dwelling units (170 no. houses and 54 no. apartments). A number of minor amendment applications have been granted for specific areas within the wider Phase 1 development (FW16A/0011 and W16A/0043.). Under PA ref. FW16A/0056 permission was granted for 6 no. dwellings on a site to the north east corner of Phase 1.
- 4.4. The proposed development amends the residential development permitted on the site under PA ref. F08A/1425 and PL06F.235189 (as extended under PA ref. F08A/1425/E1). Further, it partly amends PA Ref. FW14A/0066 and is proposed as Phase 2 of the overall development of the lands under this reference.
- 4.5. Planning permission for the Diswellstown Manor development was granted under PA ref. FW13A/0075 (119 residential two and three storey units).

## 5.0 Policy Context

### 5.1. National and Regional Policy Documents

5.1.1. National and regional policy documents which form the strategic context for the proposed development include:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.
- Delivering Homes, Sustaining Communities, 2007.
- Quality Housing for Sustainable Communities, 2007.
- Sustainable Urban Housing: Design Standards for New Apartments, 2015.
- Design Manual for Urban Roads and Streets, 2013.
- Guidelines for Planning Authorities on Childcare Facilities, 2011.

5.1.2. These are referred to as necessary in my assessment below.

### 5.2. Development Plan

5.2.1. The Fingal County Development Plan 2017-2023 zones the appeal site for 'RA' land uses, 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure'. No specific objectives apply to the site (see attachments). Land to the east is zoned for open space provision.

5.2.2. Chapter 3 of the Plan focuses on 'Placemaking' and sets out the planning authority's policies in respect of providing sustainable residential development. Reference is made to the government's policy documents, including those referred to above. Chapter 7 deals with movement and infrastructure, Chapter 8 with green infrastructure and Chapter 12 development management standards. Specific policies of the Plan are referred to as necessary in my assessment below.

### 5.3. Natural Heritage Designations

5.3.1. There are no natural heritage designations in the immediate vicinity of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. Two third party appeals have been made in respect of the proposed development by Councillor Roderic O’Gorman and Councillor Howard Mahony. Grounds of appeal are similar and can be summarised as follows:

- Context – The c.15m high apartment block is out of context with development in the surrounding area (c.8m to 8.5m) i.e. Luttrellstown, Burnell, The Warren and Phase 1 Hamilton Park. The four storey development is also at odds with the County Development Plan (refers to a maximum of three storeys in the area).
- Overlooking – The apartment block will overlook houses recently built in Diswellstown Manor. It is closer to the boundary between the two developments than the two apartment blocks provided in the original F08A/1425 grant of permission. The apartment block should be moved to a less obtrusive location, the upper floors of the apartment block should be set back on its southerly side and/or the south facing windows in the block should be altered so that they are less obtrusive. The planning authority’s request for a revised elevation appears to have been totally ignored.
- Overshadowing - The four storey apartment building will overshadow St. Patrick’s National School (morning sunlight) in conflict with the Department of Education and Skill’s Technical Guidance Document TGD-025 Identification and Suitability Assessment of Sites for Primary Schools (2<sup>nd</sup> edition, 2012). The development will impinge on the Midwinter 18 degrees guidance figure for overshadowing (Diagram 3, page 11 of document).
- Privacy/screening – Under the original F08A/1425 application, the proposed houses on the appeal site had their back gardens backing onto the back gardens of houses in Diswellstown Manor. In the current application proposed houses are perpendicular to the existing homes and right against boundary walls. This will significantly reduce the privacy of the residents of Diswellstown Manor. There is a lack of adequate screening provided for in the existing plans between the Hamilton Park development and its southern/south-western boundary with Diswellstown Manor. In the original F08A/1425 application there was a clear plan for extensive screening with mature trees between the two developments.

- Traffic and pedestrian safety - The proposed development will share an access road with St. Patrick's National School. The crèche and associated traffic competing with the school traffic each morning and afternoon. The school is a four stream school and has a major traffic footprint. A huge volume of traffic will attempt to access the small roundabout opposite St. Patrick's at the same time as residents are egressing the development and while parents drop up to 100 children to the crèche.
- Impact on traffic flows in the wider area – The development will add to already significant traffic flows in the Diswellstown area.
- Parking provision – The number of car parking spaces provided for the apartment block is inadequate. The applicant's response to item no. 3 of the additional information request was not adequate yet no conditions were imposed in the planning permission to make any provision for set down or staff parking. Parking provision in the remainder of the development is inadequate. There is insufficient parking for visitors or three cars in the case of a rental property.
- Ground floor uses of apartment block – The planning authority did not seek clarification regarding the proposed 'flexible use' of the ground floor of the apartment block.
- Exclusion of apartment block – For the reasons stated above, the four storey apartment block should be excluded from the development and replaced with more suitable housing.

## 6.2. Applicant Response

6.2.1. The applicant makes the following responses to the appeals:

- Context - The parent permission, under PA ref. F08A/1425 and PL06F.235189, as extended, established the suitability of the site for residential development and the acceptability in principle of the form and type of residential development proposed. The proposed development reconfigures the previously permitted development, reducing the overall number of units provided. The new Fingal County Development Plan 2017-2023 does not include any specific restrictions on height in respect of the



application site and site specific objective 632 was not carried forward in the new development plan. The extant permission on the site (PA ref. 08A/1425 and PL06F.235189) provides for 3 no. four storey apartment blocks and a local centre in the same area of the site, ranging in height from 14.175m to 15.576m. The principle of four storey apartment blocks in this area of the site has been established. The current proposals reduce the extent of development in the area. The proposed apartment block at the western end of the boulevard forms a counterpoint to the two no. four storey apartment blocks to the eastern end of Phase 1. The inclusion of apartment blocks in Phase 1 and Phase 2 adds to the overall dwelling mix and ensures that the density of 37 units per hectare can be met.

- Overlooking - The Diswellstown Manor development (PA ref. FW13A/0075) was permitted in the context of the three no. apartment blocks to the north. The purchasers of the homes would have been aware of the permitted development on the site to the north. The distance of the proposed apartment block from the boundary with adjoining development at Diswellstown Manor, at 15m, remains as that previously approved (under F08A/1425, PL06F.235189). One apartment block, rather than three and a local centre, will reduce impacts on adjoining development. The matter of overlooking was addressed in response to the planning authority's request for further information. Within the FI response it was indicated that the southern elevation of the apartment block overlooks a public road and the end elevation of properties. The apartment block does not overlook habitable rooms or rear gardens of the existing development. In addition, obscure screens were proposed for the most southerly balconies. Notwithstanding this, the applicant has provided two alternative options for the southern elevational treatment of the apartment block for the Board's consideration (see Appendix 2 of response document). Both alternatives reduce window size or omit windows in the living rooms of apartments facing south. Kitchen windows are retained to provide passive surveillance of the public walkway along the southern boundary. Additional planting is proposed along the 3m grass verge at the southern boundary between the subject site and the existing development at Diswellstown Manor (Appendix 3 of response document).

- Overshadowing – An assessment of the potential for overshadowing has been carried out (Appendix 5 of response). It demonstrates that the proposed development will have a negligible impact in terms of overshadowing and sunlight availability to St. Patrick’s NS and the Diswellstown Manor properties to the south.
- Privacy/screening – Significant tree planting is proposed in the rear gardens of properties backing onto the eastern boundary of Diswellstown Manor (included in original landscaping proposal) and will ensure the privacy of residents of both developments. Significant boundary planting within the Diswellstown Manor site on the boundary with the subject site was removed by the developers of Diswellstown Manor during construction. The orientation of the units along the south western boundary of the site ensure minimal overlooking. The D5 houses do not have windows on the western gable wall and will therefore not impact on the privacy of Diswellstown Manor. All dwellings are provided with the minimum private garden space.
- Traffic and pedestrian safety
  - A Road Safety Audit on the Diswellstown Road roundabout junction was carried out prior to the submission of the 2014 application for Phase 1 of the development. At a pre-planning meeting it was agreed with the planning authority that the Road Safety Audit and identified works to be undertaken at the roundabout junction were appropriate and would provide for the proposed development.
  - The potential for conflict with the adjoining schools is considered to be small. The permitted development incorporates a traffic solution to cater for and optimise safety for all road users.
  - The FI response, as clarified in the CFI response, resulted in significant alterations to the layout and extent of parking provided on the eastern side of the apartment block.
  - During construction, the applicant will implement a construction management plan, which includes a traffic management plan to ensure the safety of all road users, residents and patrons of the school and

liaise with the school throughout construction of the development and to respond to any issues which arise.

- The entire design of the subject lands, including amendments undertaken during the Phase 2 planning process, have actively sought to minimise the level of vehicular traffic generated along this short section of the public roadway (specific measures are set out in Appendix 4 of the response document) e.g. retaining the existing cul-de-sac characteristics of this short link, locating all residential parking for the apartment block on the parallel new street to the south east, design of on-street parking for crèche staff and drop off area, design of Diswellstown Avenue provides kerbside 15 no. car parking bays for parents dropping off/collecting children from St. Patrick's without entering the cul-de-sac.
- Located in a residential area, it is predicted that a significant proportion of children attending the crèche will be walked to it.
- Proximity of the crèche to the NS will allow parents, where children attend the NS and the crèche, to undertake a single journey.
- The proposed crèche is expected to open from 0700 to 1900 each day, with extended dropping off/pickup hours. Parents of children availing of the ECCE places (typically 930 to 1230) will also avoid the 10 to 15 minute AM peak period (0835 to 0850). The early afternoon (12.30), late afternoon (16.00) and evening (after 18.00) do not conflict with school afternoon class finish times.
- Impact on traffic flows in the wider area - The application site has been zoned for residential development for many years and has been zoned within three successive development plans (2205-2011, 2011-2017 and draft 2017-2023). The zoning of the lands also included the provision of a school and vehicular access arrangements to serve the school and residential lands. The proposed development will reduce the number of dwelling units on the application site. No concerns were raised by the Transportation Planning Section in response to the planning application. The overall revised proposals for the Diswellstown site have been the subject of a Transport Statement

which included a junction analysis of an enhanced layout of the Diswellstown Road roundabout. The report demonstrated that this key junction will continue to operate with a significant level of reserve capacity available when the enhancement works are completed (implemented under FW14A/0066).

- Car Parking - Car parking provision is in line with Development Plan standards. Additional parking would contravene the Development Plan. With regard to FW14A/0066, internal access roads will be of an appropriate width (in line with DMURS) to accommodate additional on-street parking if necessary.
- Flexible use of ground floor – Permission was not sought for a flexible use at ground floor. Generous floor to ceiling heights would facilitate a future alternative use if required e.g. dental or doctor's surgery. However, any such proposal would require planning permission. It is unlikely that an application would come forward in the future given the proximity to Carpenterstown Local Centre to the north west.

### 6.3. Planning Authority Response

6.3.1. The planning authority make the following comments in response to the appeals (10<sup>th</sup> January 2017):

- Height and scale of apartment block – Under PA ref. F08A/1425 and PL06F.235189 permission was granted for a four storey apartment block on the overall site. Under PA ref. FW14A/0066 (Phase 1 Hamilton Park), permission was granted for apartment blocks 6A and 6B which were part 3 and part 4 storey (10m to 13.7m in height). St. Patrick's School is 3 storey, up to c.14m, and the proposed 4 storey block, c.14.5m. Having regard to the planning history and the existing and permitted development in the area, the 4 storey block is considered to be acceptable.
- Overlooking (of school<sup>1</sup>) – Having regard to the distance between the apartment block and the school building (c.26.5m), no undue overlooking will occur. Car parking is located on part the eastern part of the school site. The remainder of the eastern portion of the school site is occupied by part of the

---

<sup>1</sup> This issue was not raised in the appeals, but in subsequent observations on the appeals made.

play area for the children. Children use the play area for supervised play only. No undue overlooking will therefore arise.

- Overlooking (of Diswellstown Manor) – The southern elevation of the apartment block overlooks the public road and the gable end of two units. The southerly balconies on the eastern and western side of the apartment block, closest to the rear gardens of 2 no. dwellings in Diswellstown Manor, will be fitted with obscure screens to prevent overlooking.
- Overshadowing – The crèche and apartment block is c.60m from the eastern building line of St. Patrick's School. Having regard to this substantial distance and the proposed scale of the school and apartment block no undue overshadowing will occur.
- Privacy/screening – As part of the development of Diswellstown Manor the trees along the northern boundary of the site were to be removed. The crèche and apartment building is the only taller building adjacent to Diswellstown Manor. The building is c.12.78m from the southern boundary of the appeal site and the southern elevation of the apartment block will address the gable and front gardens of two no. properties within Diswellstown Manor. The northern boundary of Diswellstown Manor adjoins an internal pedestrian route within the proposed development (no dwellings). The dwellings that adjoin the eastern boundary of the site will adjoin the side and rear gardens of 6 no. dwellings in Hamilton Park. Having regard to the orientation of the properties, relative to each other, an absence of windows/ or absence of habitable rooms at first floor, the development will not result in undue overlooking or loss of privacy.
- Traffic and car parking – The proposed development constitutes a 9% reduction in housing units over that previously granted and the removal of a commercial retail element. Improvements have been made to the access road and set down and pedestrian and cycle facilities to the existing school. DMURS recognises a certain level of car congestion is inevitable. Congestion around schools is common for short periods of time, usually associated with the am peak. Most residents that travel to work by car could have left the area prior to the peak school traffic. The most recent Transport Statement

submitted as part of the approved less intensive development (FW14A/0066) contained counts (February 2014) and an analysis of the peak hours for the Diswellstown/Carpenterstown Road/Development access road roundabout. The traffic impacts considered were limited to the roundabout junction (normal practice in urban location) and indicated that the roundabout would operate within capacity and would be sufficient to accommodate the development. Parking standards (Table TO3a CDP) take into account visitor and staff parking. In curtilage parking for housing units is in accordance with the development plan. It should be noted that a revised parking layout for the apartment/crèche area formed part of the planning authority's conditions and may result in a reduced number of parking spaces for the apartments.

#### **6.4. Observations**

6.4.1. There are 38 individual observations on the appeals made. Individual observers are listed in the attachments to this report. Issues raised are similar to those raised in the appeals. Additional comments are summarised below:

- Context - Apartment blocks being built in Phase 1 can be readily seen from the M50. Four storey apartment block located at Bracken on the Carpenterstown Road, 1km from development, is being constructed with top floor set back to minimise impact and aesthetics on the environs and to blend in. The proposed structure is being designed as a landmark structure for the area.
- Overlooking and overshadowing (Diswellstown Manor) - Height and proximity of apartment building to boundary wall and properties in Diswellstown Manor. Overlooking and overshadowing arising from this (in particular on nos. 32, 36 Diswellstown Manor). Overbearing nature of development on properties in Diswellstown Manor (two storey school is visible from nos. 45 to 54 Diswellstown Manor and two storey school structure which is set well back from estate boundary). Inadequate screening. Apartment block should be replaced with two/three storey housing or reduced in height to two storey, (if three storey, third floor should be set back). Visual screening should be provided along boundary. The proposed development has a greater impact on housing in Diswellstown Manor than that previously approved. Inadequate

separation distances between proposed development and Diswellstown Manor (less than 22m). Oblique screens is a poor solution for all parties. People bought houses on basis of previous plans. Privacy screens to balconies on south end make little difference, as large number of windows and balconies remain with unobstructed views of properties below.

- Overlooking (of National School) - Overlooking of school from apartment block gives rise to child protection issues. Apartment block should not be located in the vicinity of the school, but if goes ahead should be scaled back to two storey, with increased offset from school.
- Privacy/screening - Proposed orientation of houses irregularly positions houses in Hamilton Park, with easier access to rear gardens e.g. no. 17 Diswellstown Manor, now has house siding on to property.
- Impact of traffic and pedestrian safety – Development contravenes policy TO16 of CDP to promote traffic management in the vicinity of schools to reduce unnecessary congestion and the burden under TO47 seems not to have been fulfilled i.e. developer required to provide a detailed TIA and Road Safety Audit where a new development will have a significant effect on travel demand and the capacity of surrounding links, taking into account cumulative effects.
- Parking provision – Inadequate car parking for crèche. Will result in on street car parking and safety risk to pedestrians, in Hamilton Park and Diswellstown Manor (via pedestrian link). Inadequate provision for apartment block, it is common to see large demand for car parking spaces in apartment blocks, especially when shared by tenants. At the moment parents from the NS are entering Hamilton Park to park their cars whilst picking up children. This causes major issues for residents who cannot leave their driveway.
- Other –
  - Impact of apartment block of views from housing in Hamilton Park Phase 1 (front gardens, views of mountains).
  - The proposed apartment block will look completely at odds with the more visually attractive finishes of the remainder of the neighbouring

Hamilton Park houses and Diswellstown Manor (tiled roof, stone/render finishes to walls etc.).

- Personal safety issues arising from creation of narrow alleyway between apartment building, housing in Hamilton Park and housing in Diswellstown Manor.
- Emergency access to Porterstown Road is close to existing access to Diswellstown Manor. Any daily use of the access would exacerbate difficulties exiting Diswellstown Manor (curve to west of gate), proximity of proposed access to existing would not meet Traffic Management Guidelines 2003, capacity of Porterstown Road (already very heavy traffic on it), use of Hamilton Park as a rat run from Carpenterstown roundabout to Porterstown Road.
- Development will place a strain on local services – population in the area is increasing, it will be served by one small convenience store in Carpenterstown with limited parking and with limited offering requires trips to Blanchardstown village or centre. Area served by only one bus route which takes a circuitous route and time to get to terminus. Train station is 15-20mins walk but already operates well above capacity during rush hour, forces people into cars. No assessment of impact of the development on local infrastructure, including schools. The area is currently one of the most densely populated address codes in Dublin and experiences severe traffic congestion. The addition of a number of recent developments in the past year has added to this problem.
- Overwhelming demand in the area for 3 and 4 bedroom houses, not apartments.
- Apartment development will be closer to Diswellstown Manor Protected Structure and should be required to comply with similar conditions as Diswellstown Manor housing development (PA ref. FW13A/0075). Apartment block will be the dominant feature in the area, not the Protected Structure or Castleknock Hotel.



- Planning permission signs were not visible from Diswellstown Manor, even though the development is only metres away from the boundary wall and directly impacts the residents.
- Development will restrict free flow of air, increase noise, anti-social behaviour, increase security risks, reduce the value of family housing and availability of parking in the area. Development should be refused and instead direct the construction of better facilities for the NS, i.e. car parking, bigger school yard, green area for school and playground for school children.

## 6.5. Further Responses

6.5.1. In January 2017, Councillor O’Gorman made the following additional comments on the appeal lodged by Councillor Mahony:

- Overlooking of dwellings in Diswellstown Manor – Development is inconsistent with the government’s Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (relative height of apartment block and residential development, absence of tapering buildings towards boundaries or use of screen planting). Proposed screens on southern elevation would not prevent overlooking of rear gardens in Diswellstown Manor from windows in east and west elevations of apartment block.
- Lack of information on visual appearance of apartment block – Minimum computer generated images, site section of phase 2 shows gable ends only, not true length of building or proximity to boundary.
- Missed opportunity for residents to object – Due to residents recently moving into Diswellstown Manor and Hamilton developments, and residents yet to move in. In Diswellstown Manor the road most affected by the apartment block is still half vacant (house nos. 37-42 still unoccupied).
- Flexible use of ground floor of apartment block – Opens the door to possibilities unknown to residents. Location is unsuitable with current traffic from school already causing disruption and proximity to low density residential development.

- Traffic congestion – Development will greatly increase volume and nature of traffic in and out of Hamilton Park which is already congested at peak times. Development makes no provision for proximity of apartment block to school and potential safety risk to children attending the school.

6.5.2. On the 1<sup>st</sup> March 2017 the Board circulated the applicant's response to the appeals made to all parties (section 131). The following additional responses were made:

- Councillor O’Gorman – Considers that the applicant’s Option B, revised southern elevation of apartment block, would provide residents with the greatest degree of privacy. Request the Board to include conditions requiring ‘obscure screens’ to be fitted to the southerly facing balconies of the apartment block, screening along southern boundary (as proposed by applicant) and planting along the south western boundary of the appeal site in the interest of privacy and amenity of residents living in the adjoining development.
- Councillor Mahony – Refers to notice on St. Patrick’s School website re: dangerous and illegal parking in the vicinity of the school. Elevations of apartment block do not accurately reflect height of it relative to properties in Diswellstown Manor development. Partial privacy screens proposed to be fitted to the most southerly balconies are inadequate and do not extend the depth of the balcony and views of the rear gardens of properties in Diswellstown Manor will be possible. Most residents of the Diswellstown Manor development would be unfamiliar with the planning process (re their opportunity to view plans of the adjoining development prior to purchase of their property). Most underground car parks are resident entry only and are controlled by code or security key. Traffic arising from the proposed childcare facility has been under-estimated (start time for the ECCE class could be 9.00am to coincide with school drop off time, number of children being dropped off to classes in poor weather, inadequate provision of drop off spaces and staff car parking, no facility for minibus parking for drop off and collection service to primary schools). The cul-de-sac access to the crèche does not provide the correct turning circle for daily deliveries to the crèche (e.g. food/hygiene services via large vans and trucks). No dates or times provided to indicate when road safety audit carried out.

- Planning authority – No new comments made.

## 7.0 Assessment

### 7.1. Matters for Assessment

7.1.1. I have read the appeal file and inspected the appeal site. The proposed development comes forward on zoned land and as an amendment to the residential development approved under PA Ref. 08A/1425 and PL06F.235189 and is acceptable in principle on the appeal site. Further, I note that the detailed design of the proposed development generally complies with the government's guidelines for residential development, in particular as expressed in the guidelines on Sustainable Residential Development in Urban Areas (2009) and DMURS (2013). Notably it provides a schedule of accommodation that demonstrates that the development complies or exceeds national guidelines, proposes an arrangement of units which provides a sense of place and legibility and places an emphasis on walking and cycling. Within this context, I consider that the key issues for this appeal are confined to the matters raised by the appellants and observers, namely:

- Scale and form of the development.
- Overbearing nature of the development, overlooking and overshadowing.
- Screening, privacy and security.
- Traffic congestion and pedestrian safety.
- Parking.
- Impact on protected structure.
- Other (flexible use of ground floor of apartment block, statutory notices).

### 7.2. Scale and form of the development

#### Impact on Services

7.2.1. The proposed development amends the parent permission previously permitted under PA ref. F08A/1425 and PL06F.235189, comprising 186 dwelling units on the appeal site and a local centre. The applicant states that the local centre has been omitted as (a) the surrounding area adequately provides for services to meet

residential needs and (b) the land use zoning does not require a local centre to be provided. I note that c.500m to the north west of the appeal site is Carpenterstown Neighbourhood Centre with a public house, take-away, pharmacy and convenience shop. Further, Laurel Lodge Neighbourhood Centre. c.1km to the north east of the site, also lies within a reasonable walking/cycling distance of the site. Having regard to the presence of local services, and the absence of any development plan requirement for a local centre, I therefore consider the omission of the local centre to be acceptable.

- 7.2.2. Third parties argue that the proposed development, coming forward in an area where the population is increasing, will also put further strain of schools and transport facilities. Whilst I accept that the increase in population arising from the development may add to the demand for such services, the proposed development is relatively modest in scale and it comes forward within a planned framework, on land zoned for housing development, as provided for by the current County Development Plan, with the development plan responsible also for the planning of necessary associated services. Within this context, I consider that the development is acceptable and will not, of itself, give rise to a significant adverse impact on local services.

#### Height

- 7.2.3. The proposed four storey apartment block has a height of c.14.35m (drawing no. pSO7(sc)01). In section, this height is indicated relative to St. Patrick's National School. Whilst the apartment block clearly exceeds the height of typical two storey housing in the immediate and wider area of the site, it is only c.2.7m in excess of the predominant ridge height of the of the school building (Site Section, drawing no. SSsc02). Further, the application comes forward within the context of the planning history of the site which established the principle of four storey development on the overall site. In particular:
- a. Under PA ref. F08A/1425 and PL06F.235189 (and extended under F08A/1425/E1 until 20<sup>th</sup> February 2020), a local centre was proposed to the east of the cul-de-sac road to St. Patrick's National School (three no. four storey apartment blocks with retail units and childcare facility at ground floor). In the vicinity of the proposed four storey apartment block, two no. four storey

blocks were proposed with a maximum height 15.578m (see drawing no. A1P42 – Local Centre North and South Elevations).

- b. Under PA ref. FW14A/0066, permission was granted for two no. four storey apartment blocks to the north east of the appeal site. These apartment blocks are currently under construction on the site (see photographs) and do not appear overly dominant when viewed from the public roads in the vicinity of the site.

7.2.4. In addition, local objective no. 633 set out in the previous county development plan, '*Housing density will be limited to 37 units per hectare (15 units per acre) with a maximum of three storeys*' (Fingal County Development Plan 2011 to 2017) has not been carried forward into the current development plan.

7.2.5. Having regard to the above, I consider that the principle of four storey development has been established on the appeal site and in the location of the proposed apartment block in particular and is, subject to detailed design, acceptable.

#### Mix of Units

7.2.6. Whilst I note the appellant's comments that there is an overwhelming demand for 3 and 4 bedroom houses in the area, and not apartments, the inclusion of the apartment block adds to the overall dwelling mix, consistent with the requirements of the County Development Plan (Objective PM38), facilitating a range of housing needs to be met, and ensures that, in the interest of sustainable development, that the density standard (37 units per hectare) can be achieved.

#### Risk of Anti-social Behaviour

7.2.7. Third parties refer to the increased risk of noise, anti-social behaviour and security with the proposed apartment block and I would accept that design can influence these matters. In this regard, I note that the proposed apartment block has been designed to meet, at least, the minimum standards of the government's guidelines on new apartments, providing adequate internal floorspace, storage and balcony space. In addition, the apartment block provides apartments with a good aspect (morning and/or afternoon sun) and a high quality external environment. I consider therefore, that the proposed design, makes a very reasonable effort to address these issues.

### 7.3. **Overbearing Nature of Development, Overlooking and Overshadowing**

#### Overbearing Nature of Development

- 7.3.1. Under the parent permission, F08A/1425 and PL06F.235189 (as extended under PA ref. F08A/1425/E1), three no. four storey apartment blocks/local centre were permitted in the vicinity of the proposed apartment block. The parent permission does not expire until 20<sup>th</sup> February 2020 and predates that granted in respect of the Diswellstown Manor development, under PA ref. FW13A/0075.
- 7.3.2. I would accept therefore, in principle, that there has been an overall reduction in the extent of four storey development on the appeal site in the vicinity of the Diswellstown Manor development.
- 7.3.3. The proposed apartment block has a maximum height of 15.175m (drawing pS07(e)01). Its southern elevation is situated 12.758m from the boundary of the site with the Diswellstown Manor development (Site Plan, drawing no. pS(cfi)08) and the western elevation is c.57m from St. Patrick's National School building. In contrast, under F08A/1425 and PL06F.235189, Block 03, which was c.15.1m in height, was located c.14.3m from the boundary with Diswellstown Manor (Site Layout Plan, drawing no. PS03) and 57.156m from the school building.
- 7.3.4. The location, scale and form of the proposed apartment block has therefore changed relatively little since that originally approved (PA ref. F08A/1425 and PL06F.235189). The proposed apartment block is sited such that its southern elevation faces a public road in the Diswellstown Manor development and the gable end of two properties. The appearance of the apartment block is depicted in elevations on file and Design Statement submitted with the application (June 2016). I do not accept, therefore, that there is a lack of information on the visual appearance of the block. Further, the proposed apartment block is contemporary in design and is finished in grey brick and porcelain render, with steel and glass balconies, and in this respect would be consistent with the elevational treatment of the housing units.
- 7.3.5. In views from the public road, I would accept that the proposed apartment block will appear quite substantial, in particular given that it is a little closer (c.1.5m) than the previously approved block. It is also closer to the Diswellstown Manor development than the existing school building (see photographs). However, the apartment block is located north of the Diswellstown Manor development and will not give rise to any

overshadowing which will limit its impact on the properties. Further, in response to the appeal the applicant proposes additional planting within the 3m grass verge at the southern boundary between the site and existing development at Diswellstown Manor (Landscape Masterplan, drawing no. 60611\_2\_300, Appendix 3 of the response document). If these trees are carefully selected, and are able to grow to maturity, without substantially detracting from light reaching the apartment block, I consider that they would substantially offset the 'hard' appearance of the apartment block from the Diswellstown Manor development. Therefore, having regard to the nature of the extant development which already exists on the appeal site, the current proposals for a less intense development on the site, to the north of the Diswellstown Manor development, and the proposals for additional tree planting along this boundary, I consider that the proposed development is acceptable and would not be unduly overbearing on the properties within the Diswellstown Manor development (or the wider development). For the same reasons, I do not consider that it is necessary to reduce the scale of the apartment block or set back its uppermost floor/s.

#### Overlooking – Diswellstown Manor Development

- 7.3.6. The finished floor level of the ground floor of the proposed apartment block (and crèche) will be +66.20m (drawing no. SSsc02 – Site section BB). I accept that the ground floor of the apartment block will be more elevated (by c.2m) than the ground floor of the adjoining houses in the Diswellstown Manor development.
- 7.3.7. Windows in the southern elevation of the proposed apartment block serve, at ground floor, the crèche, and, at first, second and third floor, the open plan kitchen and living rooms of two no. two bedroom apartments (two apartments on each floor). The elevation directly overlooks a public road within the Diswellstown Manor development and, in part, the gable end of house nos. 37 and 49.
- 7.3.8. In response to the planning authority's request for further information, the applicant reduced the size of the windows serving the kitchen area of each apartment and proposed privacy screens on the balconies (facing east and west) serving each of the apartments (drawing no. pS07(eI)01, dated 29<sup>th</sup> September 2016). In response to the appeal, the applicant indicates how all of the windows in the southern elevation are more than 21m from the private gardens of the properties in

Diswellstown Manor, and that any views of these would be at oblique angles (Appendix 2, response document, page 3).

- 7.3.9. In response to the appeal, two further options are presented (A) reducing the width of the living room window, and (B) omission of the second living room window altogether (Appendix 2, response document). In addition, further tree planting is proposed to the south of the apartment block, along the pedestrian route, to the public open space (drawing no. 6061\_2\_300 Landscape Masterplan, January 2017).
- 7.3.10. I am mindful of the need to protect the privacy of residents in the Diswellstown Manor development, however, I also consider that it is also important to provide a high level of passive supervision of the public pathway to the south of the apartment block and to protect the quality of the internal spaces of the apartment accommodation. I would consider, therefore, that option A as proposed in response to the appeal provides an acceptable solution, including the provision of partial privacy screens on the southern-most balconies. It facilitates a high level passive supervision of the public pathway, provides a south facing window in the proposed apartments and reduces the potential for overlooking of the rear gardens of the Diswellstown Manor development. In this regard, views of rear gardens in the Diswellstown Manor development will be restricted by the Diswellstown Manor properties themselves (which in the vicinity of the appeal site are two and three storey), the oblique views of gardens in Diswellstown Manor from apartment block (which for the southern-most balconies would be further restricted by the partial screens), distance of the apartment block from properties and the proposed trees to the south of the apartment block. This matter could be controlled by condition.

#### Overlooking – St. Patrick’s National School

- 7.3.11. The proposed apartment block lies c.57m from the eastern elevation of the school. In front of the school building is a car park (southern part of site) and an external play area (situated c. 26m to the west of the apartment block). At break times children would utilise the external play area under the supervision of staff.
- 7.3.12. Having regard to the urban location of the proposed development, the distance between the apartment block and the school, the applicant’s proposals for tree planting between the apartment block and the public road (Landscape masterplan, drawing no. 6061\_2\_300, rev 3) and the supervised nature of use of the external



play area, I consider that no undue overlooking of the school building will arise from the proposed apartment block.

#### Overshadowing

- 7.3.13. Third parties raise concerns regarding potential overshadowing of St. Patrick's school by the proposed apartment block and the Diswellstown Manor development. As previously stated, the Diswellstown Manor development lies south of the proposed apartment block (see also Appendix 5 of applicant's response to the appeal which demonstrates this point). Consequently, no overshadowing issues will arise.
- 7.3.14. With regard to St. Patrick's School, the appellant's refer to the Department of Education's Technical Guidance Document TGD-025 and argue that the apartment block will impinge on the midwinter 18 degrees guidance figure for overshadowing, set out in Diagram 3, page 11 of the document (see attachments). I note that the document is a guidance document which seeks to minimise overshadowing in site selection.
- 7.3.15. The proposed apartment block lies due east of the existing national school. As can be seen from the applicant's potential sunlight impact assessment (Appendix 5 of response document), the proposed apartment block will cast a shadow on part of the car park, part of the external play area to the north east of the school building and part of the grass playing field to the north of the school, for a few hours in early morning between September and March. I do not consider that such a loss of sunlight would adversely or significantly impact on the use of the school building or external play areas.

#### **7.4. Screening, Privacy and Security**

- 7.4.1. The layout for the residential scheme granted under PA ref. F08A/1425 and PL06f.235189 included the rear gardens of residential properties to the south west of the site backing onto the rear gardens of properties in the Diswellstown Manor development. In the proposed development, residential properties are side on (house nos. 73, 88 and 126) or at an oblique angle to the properties in Diswellstown Manor (house no. 85), or in the case of dwelling nos. 86 and 87 have a short rear garden.
- 7.4.2. Drawings of the various house types indicate the following:

- House nos. 73, 88 and 126 (types D and B), all two storey properties, will have no windows in the side elevation of the property facing Diswellstown Manor, so no impacts on privacy will occur.
- House no. 85 (house type F) also a two storey property has bedroom windows at first floor in the rear elevation of the property. However, this property is orientated such that it would have predominantly oblique views of gardens in the Diswellstown Manor development and will be substantially removed from them e.g. at least 27m between rear elevations.
- House nos. 86 and 87 (house type C) are two storey properties with bedroom windows at first floor in the rear elevation of the property. The rear elevation of these properties lie c.20.5m from the rear elevation of properties in Diswellstown Manor. This separation distance falls short of the government's guidelines on Sustainable Residential Development in Urban Areas (2009) and is not ideal. I note that the applicant states that significant tree planting is proposed to the rear of gardens of properties backing onto the eastern boundary of Diswellstown Manor. Whilst this is generally acceptable and will improve screening and levels of privacy between the developments, for these units, with such short rear gardens I am not confident that any such substantial planting could be satisfactorily provided. If the Board are minded to grant permission for the development, I would recommend that dwelling nos. 86 and 87 are re-configured (and therefore no. 85 to facilitate this) to increase the separation distances between properties in the existing and proposed developments, in the interest of residential amenity.

7.4.3. Having regard to the layout of the proposed development, which provides private open space alongside the boundary with the Diswellstown Manor development (to the south west of the appeal site) and a high level of passive surveillance of public spaces, I do not consider that significant security issues arise as a consequence of the proposed orientation of property.

## 7.5. **Traffic Congestion and Pedestrian Safety**

### Traffic Congestion in the Wider Area

7.5.1. Access to the appeal site is proposed via the roundabout junction with Diswellstown Road and the smaller roundabout junction on Diswellstown Avenue which provides

access to St. Patrick's School. (An emergency access is provided to Porterstown Road to the south of the site. It will not be for general use). The proposed development, comprising 179 residential units and a crèche will create additional pedestrian and vehicle movements along these roads and junctions and the cul-de-sac access to St. Patrick's School. However, the development comes forward on land zoned for residential development in the current Fingal County Development Plan (and the two previous plans), with access from Diswellstown Road. Further, the principle of the development of the site, again with access from Diswellstown Road, has been established, for Phase 1 and Phase 2 of the development, under parent permission PA ref. F08A/1425, PL06F.235189 (438 residential units). Of note, the Board in their decision to grant permission for the development accepted that the proposed development would not give rise to material concerns regarding traffic congestion.

- 7.5.2. In addition to the above, the planning application for Phase 1 of the development (under FW14A/0066) was accompanied by a Quality Audit and Transportation Statement for an overall development of 400 residential units on the site (Phase 1 and Phase 2). The Quality Audit made a number of recommendations including improvements to the Diswellstown Road roundabout junction to address road safety issues. I note that Diswellstown Road roundabout and Diswellstown Avenue now includes improvements referenced under FW14A/0066, including footpath and cycle paths along Diswellstown Avenue, dedicated footpaths and cycle paths, set down parking spaces along Diswellstown Avenue, which allow children to be dropped off without traffic entering the cul-de-sac, and raised pedestrian crossing points on the east and west arms of the roundabout junction (Diswellstown Avenue/cul-de-sac)
- 7.5.3. The junction analysis carried out in respect of the roundabout junction (with all proposed and potential future developments on site in place, including a possible extension to St. Patrick's School) also concluded that the junction would continue to operate with a significant level of reserve capacity when the proposed improvements had been incorporated. The conclusions of the Transportation Statement and Quality Audit were accepted by the planning authority and in their decision to grant permission condition no. 36 required upgrading of the Diswellstown Roundabout junction.

7.5.4. The proposed development of 179 residential units, plus the 224 no. provided in Phase 1 (under PA ref. FW14A/0066) provides a total of 403 residential units on the site (Phase 1 and Phase 2) i.e. a smaller number of units than originally permitted. Having regard to this, and the planning history of the site, I consider that the applicant has adequately demonstrated, in principle, and that the Board and the planning authority has accepted that traffic arising from the quantum of development on the appeal site, and site to the north, can be accommodated on the road network in the vicinity of the site without give rise to undue congestion.

#### St. Patrick's School

7.5.5. With regard to the impact of the additional traffic generated on the access to St. Patrick's School, I would note that the only additional traffic using this cul-de-sac will be that associated with the crèche. However, I do accept that these additional traffic movements will be generated in proximity to the school where significant traffic congestion and traffic management issues already arise (see Councillor Mahony's submission to the Board dated the 20<sup>th</sup> March 2017).

7.5.6. Notwithstanding this, with a view to encouraging use of more sustainable transport modes, policies of the current Fingal County Development Plan<sup>2</sup> seek to:

- a. Improve pedestrian and cycle connectivity to schools and third level colleges and identify and minimise barriers to children walking and cycling to primary and secondary schools (policy MT17).
- b. Ensure that as soon as possible, but by the end of the lifetime of the Development Plan, the environment in the immediate vicinity of schools is a safe and attractive low speed (30kph) environment, and drop off by car will be restricted (policy MT21)

7.5.7. The proposed development is situated in a large residential area and it is linked to this wider area and the proposed development by a network of cycle and pedestrian routes. I would consider, therefore, that It is likely therefore that a proportion of the crèche going children would be walked/cycled to the crèche. Further, the additional

---

<sup>2</sup> Reference is made by third parties to policy TO16 of the previous Fingal County Development Plan 2011 – 2017. It sought to: '*Promote traffic management in the vicinity of schools to reduce unnecessary traffic congestion. Prepare traffic management plans, in conjunction with the Department of Education, for schools where necessary*'. However, it was not carried forward into the current County Development Plan.

traffic generated and traffic congestion arising will be somewhat limited by the following:

- For some children, the co-location of the school and crèche would facilitate single trips by parents.
- For others, as stated by the applicant, the operating hours of the crèche would differ from those of the school, traffic movements would therefore be to some extent staggered.
- The proposed staff, visitor and crèche drop off spaces are all provided off the carriageway and will not directly affect traffic flows on the public road.

7.5.8. In their decision to grant permission for the development, the planning authority require the applicant to provide a raised crossing pedestrian crossing from the crèche to the school (condition no. 4). This measure, together with the existing raised pedestrian ramps on the east and west arms of the roundabout junction with Diswellstown Avenue will limit traffic speeds in the vicinity of the school. Traffic speeds could be further reduced by an additional raised crossing to the south of the roundabout on the cul-de-sac. (This crossing is shown in the applicant's Roads Layout Plan, drawing no. 163039-2000, received by the planning authority on the 2<sup>nd</sup> November 2016).

7.5.9. The proposed development, in facilitating access by alternative modes and providing a low speed environment in the vicinity of the school, is therefore, consistent with the policies of the County Development Plan. Further, traffic congestion arising would be confined to short, peak periods, as is the case in the vicinity of many national schools in the country. I consider, therefore, that whilst the proposed development and provision of crèche on the access route the school, will create additional vehicle movements, these additional movements and the traffic congestion (and risk to pedestrian safety) arising from them will be minimised by the arrangements in place for pedestrian and cyclist connectivity to the wider area and for traffic calming in the area of the school. I consider therefore that the proposed arrangements are acceptable and consistent with the policies of the County Development Plan. (Issues regarding driver behaviour can also be addressed by the school and the crèche in their own traffic management arrangements, as is currently the case).

### Traffic from Residential Development

7.5.10. With regard to the potential conflict between the traffic arising from the proposed residential development and the existing school traffic, again I consider that traffic congestion arising in the vicinity of the school is confined to very short periods of the day and are not unusual in the vicinity of schools. Any issues regarding illegal parking within estate roads are matters can be addressed by the school or other appropriate authorities.

### Deliveries to Crèche

7.5.11. With regard to access to the crèche for daily deliveries, I would consider that delivery arrangements for the crèche would be similar to that for the school opposite and are unlikely to involve particularly large vehicles which could not manage the roundabout at the southern end of the cul-de-sac serving the school.

## **7.6. Parking**

7.6.1. Parking provision for the proposed development is, appropriately, driven by the requirements of the statutory development plan for the area. In this regard, the Fingal County Development Plan 2017-2023 (Table 12.8) requires the following parking provision in residential development. Of note, in response to the appeals made, the planning authority states that the parking standards take into account visitor and staff parking:

- House – urban/suburban 1 or 2 beds – 1 to 2 spaces, within curtilage.
- House – urban/suburban 3 or more bedrooms – 2 spaces, within curtilage.
- Apartment, townhouse, 1 bedroom – 1, plus 1 visitor space per 5 units.
- Apartment, townhouse, 2 bedrooms – 1.5 (plus above visitor space requirement).
- Apartment, townhouse, 3 + bedrooms – 2 spaces (plus above visitor space requirement).
- Pre-school facilities/crèche – 0.5 per classroom.

7.6.2. The proposed development provides 2 no. car parking space within the curtilage of each dwelling. The applicant also states that occasional on-street visitor parking is provided and that the width of streets, consistent with DMURS, enables on street

parking if necessary. Having regard to the proposed width of internal roads within the proposed development, I would accept this argument.

7.6.3. Whilst I am mindful of the appellant's concerns regarding the inadequacy of visitor parking, I consider that the applicant has satisfied development plan requirements for residential development (houses) and made additional reasonable efforts to facilitate visitor parking in the development.

7.6.4. For the apartment block (53 no. apartments), the parking requirement, based on the above standards is as follows:

- 8 no. one bedroom apartments = 8 spaces
- 41 no. two bedroom apartments = 61.5
- 4 no. 3 bedroom apartments = 8
- **Total for apartments = 77.5**
- **Visitor spaces = 53/5 = 10.6.**

7.6.5. Parking provision is proposed as follows:

- Apartments - **77 no. car parking** spaces provided in total, with 36 no. on street spaces to the east of the apartment block and 41 in the undercroft.
- **Visitor spaces – 9 no. spaces** to the east of the apartment block.
- **Other spaces - 1 no. disabled space** to the west of the apartment block.

7.6.6. The applicant also states that after operating hours, the 5 no. set down spaces and 6 no. staff spaces for the crèche can be used by visitors. Having regard to the above, I am satisfied that the development plan standards have been met.

7.6.7. With regard to the crèche, the applicant's plans (drawing no. pS07(ga)01, Apartment 07 Plans) indicates 6 classrooms, creating a requirement for 3 no. car parking spaces. In total, 6 no. spaces are proposed for staff to the west of the apartment block, 5 no. set down spaces, one disabled space and one visitor space. Again, I would accept that the proposed parking provision is in accordance with the development plan standards.

7.6.8. The Transportation section raises a number of issues in their report of the 10<sup>th</sup> November 2016 that they require to be addressed by way of condition. These

include the large area of hard standing created by the proposed layout. In principle, I consider that the matter is ones which can be dealt with by condition. Further, I would accept that the provision of planted buffer areas in the hard standing area may cause a slight reduction in parking provision but I consider that (a) it is important that the visual impact of the hard standing area be addressed and (b) the visual benefits of such landscaping would outweigh any minor impacts on parking provision.

#### **7.7. Protected structure**

7.7.1. The appeal site lies to the north and east of Diswellstown House, a protected structure in the Fingal County Development Plan 2017-2023 (RPS no. 731). The protected structure is framed by and separated from the appeal site by two storey housing that forms part of the Diswellstown Manor development. The proposed apartment block will be visible from some the public roads within the Diswellstown Manor development, however, due to distance, intervening housing and the orientation of the apartment block, it would not be overly visible from or visually detract from the setting of the protected structure. I do not consider, therefore, that it requires any particular type of architectural treatment.

#### **7.8. Other**

7.8.1. Flexible use of ground floor of apartment block – The application for the proposed development indicates a crèche, and apartments, on the ground floor of the apartment block. This appeal is determined on the basis of the uses sought. Any change of use would require an application for planning permission.

7.8.2. Statutory notices – I note that a large number of individuals have commented on the application for the proposed development and the two appeals made. I consider, therefore, that the purpose of the public notice has been served.

### **8.0 Recommendation**

8.1. Having regard to the matters discussed above, I recommend that permission for the proposed development be granted, subject to conditions, as set out below.



## 9.0 Reasons and Considerations

Having regard to the planning history of the site, its zoning for residential development in the Fingal County Development Plan 2017 to 2023 (and previous plans), the detailed design of the development, including the orientation of dwellings and the apartment block, relative to surrounding residential development, the arrangements for cyclist and vehicle connectivity, car parking and landscaping, it is considered, subject to the conditions set out below, that the proposed development is appropriate in scale and form, would not give rise to undue overlooking or overshadowing or significant traffic congestion or detract from the residential amenity of the area and be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be consistent with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 29<sup>th</sup> June 2016, 29<sup>th</sup> September 2016 and the 2<sup>nd</sup> November 2016 and received by An Bord Pleanála on the 26<sup>th</sup> January 2017, 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. The permission relates to the provision of 179 no. dwellings, comprising 126 no. houses and 53 no. apartments.

**Reason:** In the interest of clarity.

3. The southern elevation of the apartment block shall comprise Proposed Amended Option A, as submitted to the Board on the 26<sup>th</sup> January 2017.

**Reason:** In the interest of residential amenity.

4. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement:
  - i. A revised layout in respect of housing units nos. 85 to 87 to provide a satisfactory separation distance from the adjoining properties in Diswellstown Manor development.
  - ii. A revised parking layout for the apartment and crèche development which shall include the introduction of planted buffer areas to the parking area on the eastern and western side of the apartment block.
  - iii. Details of a raised pedestrian crossing on the southern arm of the Diswellstown Avenue roundabout.
  - iv. Details of a raised pedestrian crossing ramp from the crèche to the school.
  - v. A revised site layout plan which includes a new pedestrian and cycleway to the south of the site, to link Hamilton Park development to Diswellstown Manor. The new link shall be adjacent to house no. 126.
  - vi. The proposed construction and surface materials for the proposed emergency access.
  - vii. In respect of items ii to v above, a timescale for implementation.

**Reason:** In the interest of residential amenity and traffic safety.

5. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement, a revised landscape plan to

include:

- i. Buffer planting and street trees to the east and west of the apartment block.
- ii. Proposals for tree planting to the south of the apartment block, along the pedestrian footpath, to the public open space to the east of the block.
- iii. Proposals for landscaping along the western boundary of the site (with Diswellstown Manor).
- iv. Details in respect of grass margins and lamp standards in grass areas.

The agreed landscape plan shall be carried out and completed no later than the first planting season after the completion of the internal road layout.

**Reason:** In the interest of visual amenity.

6. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement, proposals for a piece of art to comply with the requirements of the Fingal County Development Plan 2017 – 2023.

**Reason:** In the interest of residential and visual amenity.

7. The crèche shall be completed and the pedestrian link to the south of the crèche shall be open, no later than the completion of the first 75 no. residential units within the planning application. Prior to the operation of the crèche the operator shall submit to the planning authority for written agreement details of the proposed signage for the crèche.

**Reason:** In ensure the timely delivery of public services and visual amenity.

8. The rectangular site measuring c.4,544 sqm immediately to the north of St. Patrick's School National School, as delineated as being in the ownership of the applicant on drawing no. pSO1 received by the planning authority on the 29<sup>th</sup> June 2016 shall be kept free of development and maintained to a satisfactory standard in accordance with the requirements of the planning authority.

**Reason:** In the interest of preserving lands for the future potential expansion of St. Patrick's National School.

9. The grassland area delineated on drawing no. pS(fi)01 received on the 29<sup>th</sup> June 2016 indicated as being in the ownership of the applicant shall not be fenced off and shall be graded, seeded and maintained as open space.

**Reason:** In the interest of residential amenity.

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape plan submitted on the 29<sup>th</sup> September 2016. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

11. Details of the materials, colours and textures of all the external finishes to the proposed buildings, boundary and surface treatments shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Windows and doors shall not be uPVC.

**Reason:** In the interest of visual amenity.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all estate and street signs and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

13. i. No gates, pillars, fences, walls or similar shall be placed at the vehicular entrance to the site.
- ii. The construction, erection within or bounding the front curtilage of a house (area forward of the front wall of the house) of a gate, gateway, railing, fence or wall shall not be permitted, notwithstanding the provisions of Class 5, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

**Reason:** To retain the open play layout of the development, in the interest of visual amenity.

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

**Reason:** In the interest of public health.

15. The development hereby permitted shall be carried out and completed at least to the construction standards set out in 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the

Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

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

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

18. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- a. A traffic management plan to ensure the safety of all road users, residents and patrons of St. Patrick’s National School during construction (to include a mechanism for liaison with the school throughout the construction period).
  - b. Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - c. Location of areas for construction site offices and staff facilities;

- d. Details of site security fencing and hoardings;
- e. Details of on-site car parking facilities for site workers during the course of construction;
- f. Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- g. Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- h. Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- i. Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

21. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

22. All WCs, bathroom and en-suite windows shall be fitted and permanently maintained with obscured glazing.



**Reason:** In the interest of residential amenity.

23. 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 visual and residential amenity.

24. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 1000 to 1600 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 amenities of property in the vicinity.

25. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
  - b. employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- i. the nature and location of archaeological material on the site, and
- ii. the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

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

27. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

---

Deirdre MacGabhann  
Planning Inspector

19<sup>th</sup> April 2017