



An
Bord
Pleanála

Inspector's Report PL06F.247892

Development	28 apartments in 2 no. three and four storey buildings and associated works. The site is located north of Allendale House (protected structure).
Location	Phibblestown, Clonsilla, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW16A/0084
Applicant	Mallervale Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant(s)	Allendale Square Management Ltd.
Observer(s)	None
Date of Site Inspection	07/04/17
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.38 hectares, is located in the townland of Phibblestown, Clonsilla to the west of Blanchardstown. Ongar village is c.800 metres to the north-west with Clonsilla train station c. 800 metres to the south.
- 1.2. The site is bounded by the Ongar distributor road to the north with a palisade fence delineating the roadside boundary. A grass verge and trees run parallel to the footpath. The road frontage is approx. 175 metres in length. Allendale House, which is a protected structure with extensive grounds, bounds the site to the south with the boundary delineated by a line of mature trees. There are a further two dwellings to the west of the site. Allendale Square which is a scheme of apartments and houses bounds the site to the east and is accessed from the Clonsilla Road to the west (also referenced as Hansfield Road in submissions). 4 and 5 storey blocks of apartments delineate the northern (roadside) and western boundary of the scheme that abut the appeal site with the shared boundary delineated by a palisade fence. The site is to the west of the Allendale roundabout with a residential scheme comprising a mix of housing and 5 storey apartment blocks currently under construction to the west of same as part of the Hansfield SDZ. There is a further 4 storey apartment scheme to the north of the roundabout. Two storey housing and 3 storey apartments are developed opposite the site on the other side of the distributor road.
- 1.3. The site is rectangular in shape with an average depth of 28 metres, is level and hard surfaced with derelict sheds along the south-western boundary.

2.0 Proposed Development

The application was lodged with the planning authority (PA) on the 09/06/16 with further plans and details submitted 18/11/16 following a request for further information (FI) dated 02/08/16.

The proposal, as amended, comprises 28 no. 2 bedroom apartments in two blocks, 3 and 4 storeys in height. Each building will accommodate 14 apartments. The apartments range in size from 89 sq.m. to 100 sq.m.

The scheme is to be accessed via the Allenwood Square development to the east which, itself, is accessed from Clonsilla Road to the west. A letter confirms the applicant is the registered owner and enjoys rights of ways over and through Allendale Square. Pedestrian and cycle access is to be provided directly onto Ongar Distributor Road.

Open space is provided in two pockets. The first, with a stated area of 181 sq.m., is located between the two blocks, and the second, with a stated area of 531 sq.m., located in the western part of the site. Additional landscaped areas are provided at the entrance to the west and along the front and rear boundaries. A tree survey was submitted by way of FI.

44 parking spaces are to be provided.

It is proposed to provide 3 no. apartments in compliance with Part V requirements subject to agreement with the Housing Department.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 22 conditions. Of note:

Condition 3 – revised layout to provide required sightlines without encroachment onto existing zoned open space; further architectural detailing for the western elevation of Block A and revised or additional location for bin storage area.

Condition 4 – landscaping and boundary treatments; financial contribution towards replacement trees and tree bond.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Record of Executive Business and Chief Executive's Report contains the Planning Officer's report. The 1st report dated 29/07/16 notes that Allendale Square has not been taken in charge by the County Council. The principle of the development is acceptable. The layout proposed is similar to that previously permitted on the site under ref. F07A/1660. The contemporary design is considered

acceptable and in accordance with development plan objective UD02. Further details are required with regard to the northern and side elevation treatments. The feasibility of the landscaping proposed along the roadside boundary needs to be clarified. The density is acceptable. Details on refuse storage are required. The central area of open space between the two blocks will be overshadowed at different times of the day but not to an excessive degree. The open space to be provided is semi-private. A financial contribution in lieu of public open space provision to be sought. The applicants are required to demonstrate a right of way through Allendale or to obtain consent from the management company. A request for FI is recommended. The 2nd report dated 13/12/16 following FI considers that the 3rd party submissions have not demonstrated that the applicant does not have sufficient legal interest. The details of rights of way or legal title is a civil matter. The layout of Block B will require amendment so as to achieve the required sightlines into the site. This can be done by condition. More detailing is needed on the west elevation of Block A and repositioning of bin store which can be conditioned. A grant of permission subject to conditions is recommended.

3.2.2. **Other Technical Reports**

Water Services Section has no objection subject to conditions.

Transportation Planning Section has no objection subject to conditions.

Parks Planning Section in its 1st report dated 03/08/16 recommends FI including a tree survey and revision of landscape plan. The 2nd report dated 09/12/16 following FI requires a financial contribution towards removal of trees on Ongar Distributor Road, tree bond to ensure protection of trees, financial contribution in lieu of public open space provision, amendments to the landscape plan and provision of wall to dwelling to west.

3.3. **Prescribed Bodies**

Irish Water has no objection subject to conditions.

Transport Infrastructure Ireland has no observations.

3.4. **Third Party Observations**

Objections to the proposal received by the PA have been forwarded to the Board for its information. The issues raised are comparable to those cited in the grounds of appeal summarised in section 6 below and relate to access, traffic, parking, safety, design, density and residential amenity.

4.0 **Planning History**

4.1. **Appeal Site**

F07A/1660 – permission granted on the site for 15 apartments in a 2-3 storey building. The permission has expired.

4.2. **Adjoining Lands**

F02A/0912 – permission granted for 149 no. apartments with access from Clonsilla Road. This has been developed and bounds the site to the west through which access to the proposed development is proposed.

F04A/0226 – permission granted on lands to south of appeal site for 99 units and conversion of Allendale House into two houses.

F06A/0706 – permission granted for alterations to approved plans F04A/226 comprising of 109 apartments and demolition of existing house and replacement with a dwelling with Allendale House to be retained as single dwelling.

F08A/0041, FW12A/0115, FW15A/0052 & FW15A/0072– refer to applications for change of use and extensions of buildings for residential use within the curtilage of the Allendale House.

5.0 **Policy Context**

5.1. **Development Plan**

Since the lodgement of the application and the PA's decision the new County Development Plan 2017-2023 has been adopted and came into effect on 16/03/17. As in the previous plan the site is within an area zoned RS, the objective for which is to provide for residential development and protect and improve residential amenity.

The vision for the zone is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Chapter 3 sets out the design criteria for residential development with Chapter 12 setting out the development management standards. Of note:

Objective PM41 – encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

Objective PM42 – the Guidelines for Planning Authorities ‘Sustainable Urban Housing: Design Standards for New Apartments’ 2015 ... are required to be applied by the Planning Authority in carrying out its functions.

Objective PM43 – have regard to ‘Sustainable Urban Housing: Design Standards for New Apartments (2007) (or any update or revision of these standards) when assessing apartment developments.

Objective PM45 – promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.

Objective CH20 – ensure that any development, modification, alteration or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact on architectural or historic features and junction (sic) with the existing Protected Structure.

5.2. **Natural Heritage Designations**

None

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The submission by McCutcheon Halley, accompanied by a report from Stephen Reid Consulting on behalf of the 3rd Party Allendale Square Management Ltd. against the PA's notification of decision to grant permission, can be summarised as follows:

6.1.1. Access and Traffic

- There is a complete disregard within the planning application as to the ability and capacity of the existing road system to absorb additional traffic associated with the development.
- The sole access for construction traffic is via the Allendale Square estate roads. There are areas of limited existing visibility within the estate.
- The proposed access arrangement is prejudicial to the safety of residents. The roads have not been finished to the required standard and are lacking in safe and convenient crossing points.
- Allendale Square was not constructed to accommodate the appeal site.
- The site would be better developed as part of the wider Allendale House site.
- The creation of the cul-de-sac arrangement is not in compliance with the objectives set out in Section 3.3.1 of DMURS which states that street layouts need to minimise the formation of cul-de-sacs as they are design features that do not allow through accessibility for all street users. Such features should, instead, be used in mid-block locations.
- The layout of the parking is a concern given that most vehicles will need to reverse directly onto the internal access road. A number of car parking spaces will not be usable given they have restricted turning areas. In addition there are locations where proposed buildouts and dropped kerb/tactile points will conflict with vehicles entering or exiting from parking spaces.
- There is no turning head area provided. There is no scope for emergency vehicles or large trucks to turn within the site. They will have to reverse out.
- Increased traffic at the access on to the Hansfield Road will result in driver frustration. Sightlines onto the road are somewhat restricted and results in hazardous vehicular movements. The existing ramp is not effective in slowing traffic.

6.1.2. Design and Layout

- The urban design rationale for the established building line is based on sound planning practice with only the gable ends of the two storey properties

permitted in close proximity to the distributor road. The taller apartment blocks and two storey frontages have set backs on average 16 to 24 metres. The proposed building line is only 1-2 metres from the back edge of the carriageway.

- The building line will have an overbearing impact on the roadside.
- The County Development Plan requires a 10 metre minimum setback and will seek to ensure that development is not carried out in front of established building lines or in a position that would be in conflict with a building line.
- The building line does not leave adequate room for future road improvements.
- The building line is akin to that of an inner urban site and is out of context for its suburban location.
- The buildings will have an overbearing impact on road users.
- Whilst there are other buildings of a similar height in the vicinity they have less of an impact when viewed from the roadside due to the set backs maintained.
- The architectural treatment is considered to be inappropriate and out of character with that in the vicinity. In availing of the southern aspect the buildings will be inward looking with only narrow windows onto Ongar Road thereby failing to provide passive surveillance of the road.
- A noise impact assessment for the proposed units has not been included.
- The location of the bin store so as to facilitate lorries means they are located too far from Block A.
- There are discrepancies between the elevation drawings and the proposed landscape masterplan.
- The scale of development is considerably greater than that previously granted on the site under ref. F07A/1660.

6.1.3. **Open Space**

- The application of a development contribution in lieu of open space is queried given the suburban characteristics of the area. The functionality of the open space is completely compromised by the fact that the areas are not

overlooked. The spaces are completely lacking from an aesthetic and quantity perspective.

6.1.4. **Density**

- The density is well in excess of that previously permitted and that developed in the vicinity. Allendale Square has a density of 43 units per hectare. The proposal would have 63 units per hectare.

6.1.5. **Setting of Protected Structure**

- No consideration has been given in the application or by the PA to the setting of the adjoining protected structure.
- The height will be of concern when viewed from the main approach to Allendale House. The development will be visible in the background.
- The removal of trees will further erode the back drop to Allendale House and will further expose views of the apartment buildings.

6.1.6. **Legal Rights and Procedural Issues**

- Allendale Square Management Ltd which owns and controls the sole vehicular access route has not granted consent to the applicant for easement/wayleave/right of way.
- The further information was material and revised public notices should have been required to facilitate 3rd parties.
- Condition 3 requires significant information and potential amendments which will preclude 3rd party engagement.

6.2. **Applicant Response**

The submission by Fenton Associates, accompanied by a letter from DBFL Consulting Engineers on behalf of the applicant, can be summarised as follows:

6.2.1. *Access and Traffic*

- It was always envisaged that future access to the site would be from Allendale Square and provision had been made for its development. The applicant developed Allendale Square 15 years ago and retained rights to access the

site as it was left isolated by the acquisition of lands for the Ongar Distributor Road.

- The internal roads and junctions in Allendale Square were designed to take additional traffic from the appeal site.
- The alignment of the Hansfield Road has been adapted to accommodate the revised Hansfield Roundabout. It has been designed to take into account the development of c.2000 dwellings on the Hansfield SDZ lands to the west and all other development in the Ongar/Hansfield/Clonsilla area.
- The Allendale Square development offers no more road dangers than any other residential development.
- Signage and traffic calming measures can be carried out if considered necessary.
- Additional traffic from 28 no. apartments, in what is an already developed and still developing residential area of Dublin, would be negligible.
- The extension of the Allendale Square road into the site fully meets the standards required for emergency access.
- The parking bays of existing Block 8 offers the same road design constraints as the proposal.
- The fact that vehicles will have to reverse onto an internal road is a common situation in most residential developments and can be dealt with by signage, markings and management.
- There are no alternative access options.
- The road meets the standards of the Fingal County Development Plan and provides the space requirements for the access of refuse trucks. Turning areas can be provided by minor changes to the layout.

6.2.2. *Layout and Design*

- The site previously had the benefit of permission for 2-3 storey apartment building under ref. F07A/1660. Coupled with the RS zoning objective the principle of residential development on the infill site is established.

- The site configuration has dictated the design approach.
- The main area of open space is passively overlooked and has been designed so that it provides for a well orientated, functional, high quality space.
- The proposal gives a coherent connection with the existing Allendale Square development while also creating a strong, modern, urban and effective streetscape along Ongar Road as it leads into the Hansfield SDZ.
- The setback from the Ongar Road is similar to other developments further east.
- The varying heights add rhythm to the blocks and reduces the impact of the mass and bulk of the buildings in this prominent location.
- The setback from the back of the footpath along Ongar Road is c.3 metres which is adequate and the design has provided for storage, utility room and stairs uses along this frontage which will minimise noise impacts on residents.
- The buildings are only a few metres closer to the Ongar Road than the existing Allendale development. The difference in noise levels will be negligible and will not have a significant impact on prospective residents.
- The open space can be reduced to provide a turning area and a financial contribution sought for the shortfall.
- An additional bin store, as required, will be provided.

6.2.3. *Setting of Protected Structure*

- Allendale House and lands to the south are not under the control of the applicant.
- The proposal will have no impact on Allendale House which is set back into the site and screened by trees and hedges from Ongar Road.
- Permission was granted for 109 residential units in 6 no. apartment blocks under ref. F06A/706/E1 which would have changed the context of the house.
- The proposal does not encroach on Allendale House lands and will have no more impact than the existing Allendale Square development. The removal of two trees on the southern boundary will have a negligible effect.

6.2.4. *Legal and Procedural Issues*

- The applicant has retained rights over the site across which access is proposed.

6.3. **Planning Authority Response**

The response can be summarised as follows:

- The proposal would lead to a small increase in traffic within Allendale Square and would not be considered as having any significant traffic impact and would be acceptable in the context of the zoning, the urban location, regional landuse and transport policies.
- It would not have any noticeable impact on the capacity of the existing access to/from the Clonsilla Road to the Allendale Square development.
- The recently constructed 5th arm of the Ongar Distributor Road roundabout including re-alignment of the Clonsilla Road, took cognisance of the existing Allendale Square access at design stage and is not considered to impact negatively on the Allendale Square development.
- Construction traffic would be temporary. Safety during construction would normally be managed through traffic management plans. A construction management plan could be warranted.
- A turning area could be provided with minor layout changes and could be resolved by condition.
- Having regard to the planning history on the site where an apartment block was located within 2 metres of the northern boundary, the proposal is acceptable.
- The gables of approx. 8no. dwellings within the residential estate of Mount Symon to the east of the site are in close proximity to the Ongar Distributor Road. Additional gables are located in close proximity to the road within the Charnwood, Sorrel and Limelawn estates.
- The proposal is considered acceptable from a visual perspective. The height is not considered out of character with the area.

- A noise impact assessment was not required in this instance. The northern elevations have been designed to provide for the kitchen and circulation spaces and not bedroom or living spaces.
- Given the linear configuration of the site and the one possible location for a vehicular access the only area to provide open space is at the western end of the site. The two open spaces are overlooked.
- The density, at c.63 units per hectare, is reasonable given the location of the site adjacent to a bus stop on the distributor road and being 1km from the Hansfield train station.
- The tree line boundary around Allendale House sets out the curtilage of the protected structure with a high concrete block wall subdividing the application site from the said curtilage. There is no clear visual link between the sites. The Conservation Officer had no observations to make.
- Permission was previously granted on the site with a similar layout and access.
- The appellant has not demonstrated that the applicant does not have sufficient legal interest. Details of rights of way or legal title are civil matters.
- Condition 3 is not considered to be overly onerous. It could potentially reduce the level of development on the site.

6.4. **Observations**

None

6.5. **Section 131 Notices**

Certain prescribed bodies were invited to make a submission on the appeal due to proximity of the site to a protected structure. No responses were received.

7.0 Assessment

7.1. I consider that the issues arising in the case can be addressed under the following headings:

1. Principle of development
2. Access and traffic
3. Layout and design
4. Impact on protected structure
5. Miscellaneous Issues
6. AA – Screening

7.2. Principle of Development

- 7.2.1. Whilst I note the fact that permission had been secured on the site for an apartment scheme comprising of 15 units under ref. F07A/1660, this has expired. The current proposal must be assessed on its merits within the context of the new County Development Plan which has been adopted and came into effect since the Planning Authority's adjudication and decision on the case.
- 7.2.2. As under the previous plan the site has the benefit of RS zoning, the objective for which is to provide for residential development and protect and improve residential amenity. In principle the proposal would accord with the said zoning objective subject to compliance with the vision for same, which seeks to ensure that any new development would have a minimal impact on and enhance existing residential amenity.
- 7.2.3. By reason of the existing pattern of development in the vicinity the site, which is long and narrow in configuration, can reasonably be seen to constitute an infill site. The proposal for 28 no apartments on the site with a stated area of 0.44 ha., equates to a density in the region of 63 units per hectare. Whilst higher than the densities prevailing on adjoining lands, including Allendale Square to the east, I consider it to be reasonable having regard to the site's location immediately adjoining a quality bus corridor on the Ongar distributor road and within 1km of both Hansfield and Clonsilla train stations. Notwithstanding, and as per the relevant Guidelines for Sustainable Residential Development and objective PM41 of the current development plan, the

acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide for additional residential development. I propose to address such matters in the following sections.

7.3. Access and Traffic

- 7.3.1. Access to the site is via Allendale Square, a scheme of dwellings and apartments accessed from the Clonsilla Road to the west. The development has not been taken over by the County Council. The appellant contends that the applicant does not have sufficient legal interest to pursue such an arrangement. The applicant refutes this and states that it has retained the necessary rights to access the development through the existing scheme. On balance I would concur with the planning authority that the appellant has not demonstrated that the applicant does not have sufficient legal interest. Section 5.13 of the Development Management Guidelines for Planning Authorities notes that the planning system is not designed as a mechanism for resolving disputes about title or rights over land and is a matter for resolution through the appropriate legal channels. As recommended, should the Board be disposed to a favourable decision, the applicant should be advised of section 34(13) of the Planning and Development Act, 2000, as amended and that a person is not entitled solely by reason of a permission to carry out any development.
- 7.3.2. I consider that the additional vehicular movements associated with 28 no. two bedroom apartments would not be material relative to that generated within the larger Allendale Square scheme (which comprises in the region of 150 residential units). The internal access roads and the estate junction onto the Clonsilla Road are capable of accommodating the anticipated increase. I note that the Transportation Planning section did not express any concerns or reservations in this regard. Clonsilla Road northwards from the site entrance has been adapted so as to tie into the modified Allendale roundabout which facilitates access into other development lands associated with the Hansfield SDZ. Traffic calming measures have been installed on Clonsilla Road. Within the estate itself traffic calming measures and signage could be provided to address concerns regarding vehicular speed etc.
- 7.3.3. Concerns have been raised about construction traffic and ability of the access roads to accommodate same. This period, whilst disruptive, is temporary in duration and

should permission be granted a Construction Management Plan can be conditioned which would be required to deal with matters pertaining to operational hours, noise, dust etc.

- 7.3.4. As per Table 12.8 of the current County Development a parking provision of 47 spaces are required. 44 spaces are to be provided which leaves a shortfall of 3. Taking into consideration the location of the site immediately adjoining a quality bus corridor and its proximity to both Clonsilla and Hansfield train stations, I consider the provision to be acceptable. The allocation of the spaces to the respective apartments should be ensured. Whilst I note concerns regarding parking by non-residents within the Allendale Square scheme due to its proximity to the train stations this is a matter for enforcement by the relevant authorities.
- 7.3.5. I have no objection to the parking layout and it is not an unusual arrangement whereby vehicles would have to reverse onto the carriageway. Such a layout is found elsewhere in the Allendale Square scheme.
- 7.3.6. The provision of an adequate turning area has been raised specifically with regard to service and emergency vehicles. I consider that an appropriate arrangement could be provided with minor alterations to the layout and consider that this could be addressed by way of condition should permission be granted.
- 7.3.7. As proposed the site entrance is to connect into the existing road access which may require marginal encroachment into a landscaped strip in the current scheme. I consider that the loss would be marginal at best and would not have a material impact on the amenities of the strip as currently enjoyed. I note that the Transportation Planning Division has no objection to the arrangement. As such I would not concur with the planning authority's requirements as set out in condition 3 of its decision seeking an access/egress not reliant on the existing open space which may require result in alterations to Block B.
- 7.3.8. The Board is advised that pedestrian access is proposed from the Ongar distributor road and, in the context of connectivity and ease of access, is acceptable.
- 7.3.9. I am therefore satisfied that the scheme can be accommodated without giving rise to concerns regarding vehicular or pedestrian safety or congestion.

7.4. Layout and design

- 7.4.1. Whilst providing for 28 no. two bedroom apartments, only, with no mix in units types, I consider that such an arrangement on this infill site, would contribute to the overall dwelling mix in the locality and accords with the current development provisions as set out in section 12.4. All the apartments are dual aspect with the internal layout arranged so that habitable rooms avail of the southern aspect. The apartments ranging in size between 89 sq.m. and 100 sq.m. in addition to the room sizes, all exceed the minimum space requirements of both the Design Standards for New Apartments and the new County Development Plan as set out in Table 12.2. All units are served by balconies which, again, accord with the minimum requirements in terms of depth and area.
- 7.4.2. The surrounding area is characterised by a varied pattern of development comprising a mix of individual two storey houses of varying designs to the west and south-west, more recent dwelling construction on the opposite side of the road, with dwellings and apartments under construction on lands that form part of the Hansfield SDZ to the west of the Allendale roundabout. The Allendale Square scheme immediately to the east comprises a mix of apartments and dwellings with the blocks immediately adjoining the site being 4 and 5 storey in height.
- 7.4.3. I note that the development plan seeks to ensure that development is not carried out in front of established building lines or in a position that would be in conflict with a building and that where located along roads of traffic importance, increased building lines may be required to provide for greater amenity and safety of road users and residents.
- 7.4.4. I would submit that whilst a building line is established within the Allendale Square scheme this is not reflected in the residential schemes further to the west (Mount Symon, Charnwood, Sorrel) and in my opinion the site is afforded further latitude by reason of the fact that it is effectively the last site before the Allendale roundabout (save for a detached dwelling) and the Hansfield SDZ lands under development further to the west. Therefore, I would not subscribe to the view that the maintenance of the building line as evident in Allendale Square is imperative.
- 7.4.5. Invariably the proposed layout of the two blocks is dictated by the narrow configuration and orientation of the site, resulting in a minimal setback from the

footpath of between 1 and 2.6 metres. The height of the blocks stepping down from four storeys in the centre to three storeys to the east and west boundaries has cognisance of the two storey dwellings to the west and the heights of the blocks adjoining in Allendale Square. I would concur with the view that the varying height would add a rhythm to the blocks which will help to reduce their mass and bulk.

- 7.4.6. In order to avail of the more advantageous southerly orientation for habitable rooms the elevation to the road (north) will comprise of a fenestration with a horizontal emphasis with narrow window openings serving bathrooms, stores and living areas in corner units (these rooms are served by further windows in the gable and southern elevations), with a vertical emphasis provided via the use of contrasting render on the stairwells (as amended by way of further information). The scheme will require the removal of the tree planting along the public footpath on the Ongar distributor road but is to be off-set by a concrete post and beam landscaping feature proposed to provide a feature of interest along this elevation.
- 7.4.7. I do not consider that the proposal, notwithstanding its proximity to the roadside boundary, would have an overbearing impact on the road which, itself, is relatively wide with four lanes (2no. bus lanes). The proposed landscaping feature, as detailed above, would soften the view of same from the road. Therefore from a visual perspective I consider the proposal to be reasonable.
- 7.4.8. The gable elevations have been modified by way of further information but I would concur with the planning authority that in view of the fact that the buildings will be forward of those in Allendale Square and will be evident in views travelling in both directions on the Ongar distributor road, further amendments would be appropriate comparable to the requirement of condition 3 attached to its decision.
- 7.4.9. The design of the southern elevation with the predominance of glazing is generally acceptable. Each apartment is to be served by a balcony on this elevation which, as stated above, meets the minimum depth and space requirements.
- 7.4.10. I submit that in view of the relative difference between the setback of the current proposal and the apartment blocks in Allendale Square and the positioning of the habitable rooms to the southern elevation a noise impact assessment is not considered necessary. It is anticipated that noise levels would be no greater than those experienced by other residential properties along the distributor road.

- 7.4.11. In terms of public open space and as a consequence of the site constraints, the positioning of same is limited. The current development plan requires an open space provision of 1050 sq.m. Effectively two small pockets are to be provided. The western most provision has a stated area of 531 sq.m. with the second to be located between the two blocks with a stated area of 181 sq.m. Both spaces have the benefit of passive surveillance but would be classified as semi-private open space rather than public open space. In view of the site constraints and its infill characteristics I would concur with the planning authority's approach as allowed for in objective PM53 of the development plan, namely the application of a development contribution in lieu of its provision. Such a scenario is provided for in the County's Development Contribution Scheme.
- 7.4.12. I note that mature trees to the south and outside the site boundary will form a backdrop to the development. Over and above those to be removed along the roadside as detailed above the proposed development will require the removal of two trees, only, within the site which would not have an impact on the said screening provided. Appropriate measures during construction to ensure that the integrity of the trees is not adversely impacted are detailed in the Arboricultural Assessment submitted by way of further information and to which the applicant would be required to comply with should permission be granted.

7.5. Impact on Protected Structure

- 7.5.1. As can be extrapolated from the historic ordnance survey maps for the area the site originally formed part of the curtilage of Allendale House which is a protected structure and may have been used as a yard associated with same. This relationship is not evident as viewed on the ground with the site having no connection to the protected structure with a band of mature trees separating the sites with no visual link. The said band of trees is outside the site and will not be removed.
- 7.5.2. Allendale House and its grounds are zoned RS – residential, and has been the subject of a permission for in the region of 100 residential units in 6 blocks ranging in height from 2 to 4 storeys under ref. F06A/0706. The house was designated as a protected structure at the time the application was made and the development as proposed would have been assessed in that context. Whilst the said permissions

have now expired the potential for the development of the lands in a comparable manner could be realised in the lifetime of the current plan.

7.5.3. In view of the absence of a visual link between the sites and the maintenance of the trees I do not consider that the proposal would have an adverse impact on the setting of the protected structure. The fact that the lands immediately adjoining could be developed in the future is also noted. Therefore I do not consider that any architectural heritage concerns arise. I note that as a consequence of the proximity of the site to the protected structure certain prescribed bodies including the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs were invited to make a submission on the appeal by way of Section 131. No responses were received.

7.6. Miscellaneous Issues

7.6.1. The Board is advised that a Section 49 supplementary development contribution scheme for the Clonsilla to Dunboyne (Pace) Railway line applies in this instance.

7.6.2. The Planning Authority has, by way of condition 4, sought a contribution towards the cost of replacing the trees to be removed along the roadside frontage. I consider such requirement to be reasonable and constitutes what would be considered to be a special contribution as set out in section 48 (2)(c) of the Planning and Development Act, 2000, as amended.

7.6.3. Whilst I note the appellant's views that the detail provided by way of further information was material and should have been the subject of revised public notices and that the requirements of condition 3 precludes 3rd party comment, the application is before the Board for assessment de novo.

7.7. AA - Screening

7.7.1. The site is approx. 5km to the north-west of the Rye Water Valley/Carton SAC (Site Code 001398). Having to the location of the fully serviced infill site in proximity to existing, permitted and proposed residential development and the intervening land uses no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the documentation on file, the grounds of appeal, the responses thereto, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations, subject to conditions.

9.0 Reasons and Considerations

Having regard to the RS residential zoning of the site as set out in the Fingal County Development Plan, and to the nature and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 18th day of November 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the

planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development revised site layout and elevation drawings shall be submitted for the written agreement of the planning authority. The revised plans shall include:

- (a) further architectural detailing for the western elevation of Block A and the eastern elevation of Block B.
- (b) revised boundary treatments along the western and eastern site boundaries.

Reason: in the interest of visual amenity

4. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The internal road network serving the proposed development including, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. Prior to commencement of development a revised layout plan with a turning area delineated thereon shall be submitted to the planning authority for written agreement.

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

6. The car parking spaces to be provided within the development shall be individually marked and assigned to the residential units and the remainder reserved for visitors to the residential units.

Reason: In the interest of residential amenities

7. Public lighting shall be provided in accordance with a scheme, 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 apartment.

Reason: In the interests of amenity and public safety

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. Proposals for an estate/street name 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, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

10. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit 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.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

11. A revised landscape plan with details of planting which shall take into account the proposals for services including the Stormtech Unit shall be submitted to the planning authority for written agreement prior to commencement of development. The agreed landscape plan shall be completed within the first planting season following the substantial completion of external construction works.

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

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. 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) Location of the site and materials compound including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the adjoining road network;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) 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.

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

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

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

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

17. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

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

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

19. The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement for the development in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be

subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

20. The developer shall pay to the planning authority a financial contribution in respect of proposed Clonsilla to Dunboyne (Pace) Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

21. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of replacement of roadside tree planting that will required to be removed to facilitate the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Pauline Fitzpatrick
Senior Planning Inspector

April 2017