



An
Bord
Pleanála

Inspector's Report 06F.248037

Development

Demolition of public house and construction of 41 no. apartments in 4 four blocks and all site development works.

Location

Brady's Public House, Old Navan Road, Castleknock, Dublin 15.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW16A/0079

Applicant(s)

Absante Limited

Type of Application

Permission.

Planning Authority Decision

Grant Permission

Type of Appeal

First / Third Party

Appellant(s)

Absante Limited

Leo Varadkaar TD and Cllr. Eithne Loftus

Talbot Residents Association

Joan Burton TD and John Walsh

Martina Murphy and Others

Observer(s)

Colin O'Toole
Domonic and Carol Lane
Darren Kane
Thomas McCarthy and Others
John and Rose Brophy, Patricia
O'Toole and Pat O'Shea
Lorna Hussey,
Frank Barrett
Rory O'Donohue
Paula Kelly
Con McGuinness
Edward Comerford
Denise Comerford
Cllr Roderic O'Gorman
Billy Linehan and Brian Flanagan
Jane and Alan Daly and others
Diane Sexton and others
Eamonn O'Donoghoe
Miriam and Paul Donohoe
K. Barry and David Daly
Dermot and Marie Mullen
Charles and Anne O'Connor and
others
Audrey Dunphy
Irene Shelly and others
Maura and Sean Kinnane
Ger Tobin
Cian Tobin
Cllr Howard Mahoney and Jack

Chambers TD
Eilish McLoughlin
Shane Mulcahy and others
Adrienne Clarke and others
Paul Hussey and others
Eamonn Henry
Talbot Downs Residents c/o Carmel O
Donoghue
Sinead Kilgarraf
Graham Liddy and E.A.Delaney
Pearse Gallagher
Eamonn and Aileen Connolly and
others
Michelle Barry and Ronan Lynch and
others
Martin Cuggy and Meave Farrelly
Colm and Carol Mullins
Anne Marie Doran
Eamonn J Doyle

Date of Site Inspection

29th May, 2017

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located on the Old Navan Road in an area immediately to the north west of the N3 junction with the M50. The section of the Old Navan Road on which the site is located is a cul de sac that has arisen on foot of the construction of the interchange between the N3 and the M50 c. 200 metres to the east.
- 1.2. The site is currently occupied by a public house which is located at the north west corner of the site. The pub building comprises part of the north west and north east boundaries of the site and the area to the south west and south east of the existing building is laid out as surface car parking. Existing vehicular access to the site is from the south off the Old Navan Road.
- 1.3. Development in the vicinity of the site comprises predominately two storey residential development. To the immediate north west is located a residential estate road, Talbot Downs, with two storey dwellings located on the far side of the road. To the north east, the site adjoins an area of public open space that connects the Talbot Downs and Talbot Court residential areas and which is bounded to the north by the N3. To the east the site is bounded by the rear of properties in the Talbot Court residential development and by the site of an older dwelling (Ashgrove) that is accessed off the Old Navan Road and which faces west towards the appeal site. To the south the site is bounded by the Old Navan Road and by older two storey semi detached dwellings that front onto the south western side of the Old Navan Road.
- 1.4. The stated area of the appeal site is 0.317 ha. The stated floor area of the existing public house on the site which is proposed for demolition as part of the development is 1,243 sq. metres.
- 1.5. The site and the immediate environs including the area of amenity space located to the north is characterised by mature trees and planting. There are street trees on the Talbot Downs frontage and on part of the boundary along the Old Navan Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing public house building at the north west corner of the site and the construction of a residential development comprising the construction of 41 no. residential units in 4 no. four storey blocks with setback second and third floor levels stepping down to the east and west. The development is proposed to be located above a basement car parking area which is proposed to be accessed from the south via the Old Navan Road. The main pedestrian access is also proposed to be via the Old Navan Road.
- 2.2. The layout of the four blocks is proposed to be such that the main blocks are orientated east west across the site with a central area of amenity space.
- 2.3. The mix of units proposed comprises 34 no. two bedroom apartments and 7 no. three bedroom units with no one bedroom units. As originally proposed, the development proposes a total of 69 no car parking spaces are proposed at basement level and 50 bicycle parking spaces are proposed. Units are proposed to have private balconies.
- 2.4. The development is proposed to incorporate SUDS drainage, an ESB sub station and associated site development works.

3.0 Planning Authority Decision

3.1. Further Information

Prior to the issuing of a Notification of Decision the planning authority requested further information on the following issues:

1. Traffic and transport. Details of how full car parking requirement can be met on site (69 no. spaces proposed, 73 no. required), swept path analysis of the layout of the basement car parking, proposals for enclosed bicycle parking.
2. Revised site plan that provides for the long term viability of the existing street trees on Old Navan Road and Talbot Downs.
3. Submission of details of the shadow analysis.
4. Submission of additional photomontages.

5. Submission of fully detailed design statement as per Objective UD01 of Plan.
6. Submission of details that ensure that all balconies meet the standards set out in 3.26 of the Sustainable Urban Housing Design Standards for New Apartments.
7. Submission of an Appropriate Assessment Screening report.

In response, the applicant submitted the following:

1. A swept path analysis showing the access and circulation of a car in the basement car park was submitted.
2. An assessment of the existing street trees along Old Navan Road and Talbot Downs was submitted. Stated that these trees are not in good / large tree pits and that the species are not appropriate to the location. Proposed that replacement trees would be provided. Proposed that retained trees to the north of the site would be protected during construction. Other works including a new pedestrian path to the open space and that the grass margin along the Old Navan Road be removed.
3. A shadow analysis was submitted that shows the impact of the proposed development at 21 June and 21 March.
4. Additional photomontages from 4 no. viewpoints were submitted.
5. A Design Statement was submitted that sets out the rationale including connections and elevations to the area of open space to the north.
6. Revised proposals for the private balconies were submitted that comply with the requirements of 3.26 of the Sustainable Urban Housing Guidelines.
7. A AA screening assessment was submitted which indicates there are 6 no. sites located within 15km and that none of these are likely to be significantly impacted by the proposed development.

Further to the submission of further information, Clarification of FI was requested by the Planning Authority on the following issues:

1. Further details of the shadow analysis undertaken to demonstrate that the design accords with the BRE guidance document on Site Layout Planning for Daylight and Sunlight.
2. That additional photomontages are required including views from directly in front of the site and not at oblique angles.

In response, a full Sunlight and Daylight Report prepared by ARC Consultants was submitted which also addresses the compatibility of the development with the BRE standards. Additional photomontages were also submitted.

3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 22 no. conditions, the most significant of which are considered to be as follows:

- Condition No. 2 requires the second floor of Blocks A and C, plus associated car parking, omitted from the proposed development. The permission therefore authorises a total of 38 no. residential units, (32 no. two bedroom and 6 no. three bedroom).
- Condition No.3 relates to tree protection and other landscaping requirements.
- Condition No.7 requires the submission of materials for written agreement.
- Condition No.16 requires the use of an on site archaeologist.
- Condition No.18 requires compliance with Site Development Works for Housing Areas.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Initial report identifies issues of concern with regard to the potential shadowing and shadow analysis undertaken, impact on existing street trees and the layout of the proposed basement car parking and car park access. Concerns regarding the number of car parking spaces and the layout of the private balconies also identified. Following further information and clarification of further information submissions the proposed development is considered acceptable and a grant of permission that is consistent with the notification of decision which issued is recommended.

3.3.2. Other Technical Reports

Water Services Department – No objection.

Transportation Department – Initial report recommends that further information be requested regarding car parking layout and parking numbers. Subsequent report states that no objection.

Housing Department – state that consultations regarding part V have been undertaken and that proposals are acceptable.

Architects Department – Stated in Planners Report that consultations / comments received by e mail and that it is considered that the design approach is acceptable.

Heritage Office – No objection. No likely effects on any Natura 2000 site.

Parks Department – An initial report stated that there were concerns regarding the potential impact of the development on street trees. Report subsequent to the receipt of FI stated that there was no objection to the proposed new planting of street trees. Also recommends that there would be a financial contribution required in lieu of public open space provision.

3.4. Prescribed Bodies

Irish Water – No objection.

TII – No objection.

3.5. Third Party Observations

The following is a summary of the main issues raised in the significant number of third party submissions received by the Planning Authority:

- Overlooking and loss of residential amenity
- Overshadowing,
- Inadequate car parking and traffic congestion.
- Scale, visual impact and out of character with surrounding development,
- Inadequate green space provision and loss of existing trees,
- Potential for noise and anti social behaviour,
- Contrary to Objective RS zoning of the site.

4.0 Planning History

The following is a summary of the most relevant recent planning history relating to the appeal site and environs:

Appeal Site

Fingal County Council Ref. FW10A/0144 – Permission granted by the Planning Authority for the sub division of the permitted restaurant under Ref. 87A/1057 at first floor level above the existing public house and for the creation of two separate restaurants.

Other Sites

Fingal County Council Ref. FW09A/0191; ABP Ref. PL06F.236297 – Permission refused by the Planning authority and refused on appeal by the Board for the demolition of an existing dwelling (Cherangani) on the Old Navan Road and for the construction of a 41 no. bedroom nursing home. The site of this proposed development is located to the east of the appeal site at the eastern side of Talbot Court and adjoining the Royal Canal. Permission was refused by the Board for three reasons related to the proximity to site boundaries, the impact on the Royal Canal and particularly the impact of removal of existing trees and the poor level of

residential amenity arising from the proximity of the development to the N3 / M50 junction.

Fingal County Council Ref. F07A/0992; ABP Ref. PL06F.228159 – Permission granted by the Planning Authority and refused on appeal by the Board for the demolition of an existing dwelling (Cherangani) on the Old Navan Road and for the construction of a 18 no. houses. Permission was refused by the Board for a single reason related to the proximity to site boundaries, excessive height and scale resulting in over development of the site, overlooking of adjoining properties and adverse impact on the Royal Canal.

5.0 Policy Context

5.1. Development Plan

The site is located on lands that are zoned Objective RS Residential under the Fingal Development Plan, 2017-2023, *'to provide for residential development and protect and improve residential amenity'*. .

Surrounding residentially developed lands are also zoned Objective RS. The lands to the north of the site are zoned Objective OS (open space).

There are a number of local objectives of relevance to the site.

There is an indicative alignment for a cycle route along the front of the site in the Old Navan Road.

The site is located within an area identified for an urban framework plan.

There are no protected structures or sites of archaeological significance located on or in close proximity to the site.

5.2. Natural Heritage Designations

The appeal site is not located within any designated / Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party appeal submissions received:

- That the proposal would constitute over development of the site. The proposed density at 129 no. units per ha. is excessive. It is noted that the refusal of permission at the Cherangani site was significantly lower at c. 94 units per ha.
- That the precedent cases cited in the planning report with the application are not comparable to the proposed development.
- The development would result in the material contravention of the residential land use zoning objective of the site and surrounding lands.
- That policies in the plan relating to infill development (Objective RD10) density (Objective RD16) and development on residential lands stress the protection of amenity and the character of the area.
- That the opinion of the county architect that the proposal is an appropriate design response for the site is rejected.
- That the sunlight and daylight analysis undertaken indicates that there would be additional overshadowing impacts arising. Submitted that the overshadowing impact would be significant rather than the 'moderate' stated by the applicants.
- That the development would also overshadow the area of open space to the north of their site and reduce its amenity level.
- That the proposed Block D is located only 1 metre from the boundary with dwellings on Talbot Downs.
- Separation distances indicated are not accurate as they do not take account of extensions and alterations to dwelling layouts. The proximity of the proposed development to properties in Talbot Court would result in visual intrusion.

- That the proposed development would result in significant overshadowing of the surrounding properties. It is particularly noted that the proposed development would result in overshadowing of Talbot Court and that no alterations to the height in this side of the development (Blocks B and D) were required by the Planning Authority.
- There is potential for overlooking from balconies including into the rear garden area of houses on Talbot Court.
- That there is potential for overlooking with the development itself and that the development plan standards of 22 metres separation and greater in the case of development above two storeys is not achieved. For example, the separation between windows in Blocks B and D is c. 18 metres.
- That the development would be visually overbearing when viewed from Talbot Court to the east.
- That the proposed materials do not respect the existing surrounding pattern of development. It does not accord with the requirements for infill development as set out in the current and draft development plans.
- That the refusal of permission for development at the Cherangani site to the east is a precedent for which is the appropriate decision in this case.
- That the site is characterised by bedrock that raises issues regarding the proposed basement and the stability of surrounding properties. Appropriate ground testing should be undertaken. The GSI website indicates shallow bedrock (c. 1.6 metres, in the vicinity of the site).
- That there would be potential for flooding of the car park.
- That the level of car parking provision proposed is inadequate and will lead to parking outside of the site. This issue already arises with the Mill apartment development to the east of the site and walkers using the canal greenway and school drop offs.
- Noted that there is no traffic impact assessment submitted with the application and that there will be congestion at the access from the Old Navan Road onto the surrounding road network and access to the N3.

- The access will result in light pollution for dwellings opposite.
- That the development would be deficient in public open space. 1887 sq. metres are required. There is provision for a financial contribution in lieu however there is no justification as to why this cannot or should not be provided within the development.
- That the roadside trees along Talbot Downs are an important feature of the area and should not be removed.

The following is a summary of the main issues raised in the first party appeal against Conditions submitted:

- That Condition No. 2 requiring a reduction in scale of the west side of the development and the omission of the second floor of Blocks A and C is not warranted.
- That the applicants have demonstrated in the ARC Consultants report how the proposal would be consistent with the provisions of the BRE guidelines. Specifically, it is submitted that the BRE Guidelines requires that at least half of a private amenity space would receive at least two hours sunlight on March 21st. This standard is met in the proposed development.
- That Blocks A and C will not result in any significant loss of daylight or overshadowing of properties on Talbot Downs. Submitted therefore that the removal of condition No.2 would be in accordance with the proper planning and sustainable development of the area.

6.2. Applicant Response to Third Party Appeals

Note: A model of the proposed development was submitted with the first party response to the third party appeals.

The following is a summary of the main issues raised in the first party response to the grounds of appeal:

- That issues regarding daylight and sunlight have been addressed in the report submitted with the first party appeal. This shows that the impact of the development on daylight to surrounding properties will be imperceptible.

- That a model has been prepared to demonstrate the impact of the proposed development.
- That the site is well located relative to transportation routes, the city centre and Blanchardstown centre.
- That the proposal is consistent with the residential zoning objective of the site and the surrounding environment. Noted that the site is within 600 metres of Castleknock train station which makes it suitable for increased density.
- That the development plan policy has had regard to the Sustainable Residential Development Guidelines and the accompanying Urban Design Manual. The site is located within a public transport corridor and the minimum net density should be 50 units per ha. Higher densities are promoted in such locations, see 3.4 and 5.4. The development is consistent with this.
- That the proposal is consistent with the development plan policies regarding higher density along transport corridors and near public transport nodes, section 7.1 and Objective MT05, Policy PM41 support this.
- That the development is consistent with the provisions of the Regional Planning Guidelines and particular densification and urban consolidation.
- That the development approach is consistent with the provisions of the Urban Design Manual that accompanies the Sustainable Residential Development Guidelines and with the provisions of Smarter Travel.
- That the revised parking layout providing for 73 no. spaces including 8 no. visitor spaces was considered acceptable by the Transportation section of the council and meets development plan standards.
- That the design of the basement car parking area will be undertaken using appropriate design and materials such that flooding will not be an issue.
- That the preparation and submission of a TIA is not required for the development. Notwithstanding this, a Traffic and Transportation assessment has been prepared and submitted as an appendix to the first party response submission. This assessment shows that the proposed residential rather than pub use will result in a significant reduction in the number of daily trips to and

from the site (138 as against the existing 352) and that the peak hour trips are estimated at 15 in the AM peak and 20 in the PM peak.

- That the design and layout has been undertaken to protect and enhance the residential amenity of surrounding properties. The layout meets and exceeds relevant floor area standards set out in the development plan.
- That the impact in terms of sunlight would not be such that the provisions of the BRE Guidelines would not be met. It is submitted that the gardens of adjoining houses would still retail sunlight over half of their area for at least 2 hours per day on 21st March. The report prepared by ARC consultants and submitted as part of the application process.
- That based on the definitions contained in the EPA Guidelines on information to be contained in EIS the likely impact of the development in terms of sunlight is between imperceptible and slight.
- That the first party appeal was accompanied by an addendum report prepared by ARC consultants that indicated that the proposed development is not likely to have any undue adverse impacts on existing residences due to the loss of sunlight within the meaning of the BRE guidelines.
- That screens to private amenity areas will be provided and will be of a height and materials to prevent overlooking. Balconies will not directly face any private amenity areas or rear gardens.
- With regard to overbearing visual impact from Talbot Downs (to the east) the eastern blocks are set back from the boundary and stepped down such that the four storey element is within the site.
- That contrary to the contention of the appellants, the development is proposed to be set back c. 9.8 – 9 metres from Block B to the boundary with Talbot Court and Block D 3 metres from the boundary and c. 23-25 metres from the rear of Nos. 14, 15 and 16 Talbot Court. This separation is acceptable and exceeds the 22 metres specified in Objective DMS28.
- That the height of the development is not significantly higher than the roof level of existing dwellings.

- That the precedent cases cited by the first party for higher density developments are relevant to this case and are located in close proximity on the other side of the M50 / N3 junction.
- It should be noted regarding the precedent cited by the appellants relating to the Cherangani site that permission was granted by the Planning Authority and that a recommendation to grant was made by the inspector.
- That the proposed development would not impact on the amenity of the existing open space to the north and this space would still comply with the BRE standards.
- That the ARC analysis of the development indicates that the proposed central open space area would be consistent with the provisions of the BRE guidance with regard to access to sunlight.

6.3. Planning Authority Response to Third Party Appeals

The following is a summary of the main issues raised in the submission received from the planning authority to the grounds of appeal:

- That issues of over shadowing were considered by the Planning Officer including the request for further information and clarification of further information. The results of this assessment resulted in Condition No.2 being attached to the Notification of Decision.
- That the issue of overlooking was addressed in the report of the Planning Officer and the design includes set backs, privacy screens and angle of windows.
- That the design complies with the development management standards set out in the Fingal Development Plan and with the provisions of the Sustainable Urban Housing, Design Standards for New Apartments.
- That the absence of a TTA was referred to the Traffic Department who note that TII's threshold for a TTA is 200 residential units. The council generally use a standard of 50% of this and so the proposed development is well below this. It is estimated that the development would generate c. 17 trips in the AM peak or less than one every three minutes and so no TTA is warranted.

- Regarding height, contemporary architecture is promoted under Objective UD02. The height at a mix of 2, 3 and 4 storeys is considered reasonable with the highest development in the centre.
- That the county architect is supportive of the design and the design approach and considers that the proposal is acceptable in terms of height, design and site organisation.
- It is acknowledged that the density of development on the site is high however the site is conveniently located relative to public transport corridors and c.600 metres from Castleknock train station.
- That the parking standards set out in the Fingal County Development Plan are met and exceeded in the proposed development.
- That it was considered that there was sufficient information in terms of plans and photomontages to enable an informed decision regarding the visual impact of the proposed development.

6.4. Further Third Party Submissions

6.4.1. Third Party Observations on First Party Response to Appeals

The following is a summary of the main new issues raised in these submissions:

- That there is reference to the submission of a model however no notification of this model has been received and no opportunity for comments afforded.
- That the model should have been submitted earlier in the process.
- That the precedents cited by the first party (Refs. F08A/0708 and F04A/1090) are of a different context with no established residential surroundings and are in any event at a significantly lower density than the current proposal.
- That the decision on the Cherangani site was refusal of permission for a density of 94 units per ha. which was considered to be excessive.
- That the density proposed is 150% greater than the recommended minimum level given in the Sustainable Residential Development Guidelines. Noted that the guidelines propose that density should be highest closest to public

transport nodes and not 600 metres away as is the case in this development. Capacity on this train service is in any event limited.

- That in addition to density, the other provisions of the development plan, including the zoning objective, are relevant to the assessment. Still considered that issues of overlooking, overbearing visual impact and overshadowing / loss of daylight mean that the development represents overdevelopment of the site.
- That parking should be at a level of 1 space per bedroom. There is no capacity for overflow car parking to be accommodated on the Old Navan Road.
- While there are no balconies that directly overlook private amenity space / gardens there are clear opportunities for overlooking.
- That the daylight and sunlight assessment indicates that the impact on properties to the east of the site would be moderate, not imperceptible-slight as stated by the first party. Contended that the impact is actually significant.
- That the separation distance between the blocks within the development is 18 metres and does not meet the 22 metre minimum specified in the development plan.
- There will still be a visually overbearing effect for the properties to the east of the site.
- That the sunlight availability to the central courtyard is concentrated in the early part of the day. Noted also that issues regarding sunlight availability to balcony areas have not been addressed in the scheme.

6.4.2. First and Third Party Observations on Planning Authority Comments on Third Party Appeals

The following is a summary of the main issues raised in these submissions:

First Party

- Note that the Planning Authority explains the rationale for condition No.2 but do not raise any objection to the removal of this condition.

- Agree with the comments of the Planning Authority regarding the assessment of the application and their response to the third party appeal submissions.

Third Parties

- That Condition No. 2 should be retained and that a similar condition requiring the removal of floors should be attached to Blocks B and D.
- The PA submission does not comment on the overlooking issue between blocks within the development.
- That, notwithstanding the comments of the Planning Authority, an issue remains regarding overlooking from the balconies.
- That irrespective of the density figure or precedent, the impacts of the development in terms of overlooking, overshadowing and overbearing as well as internal amenity issues are such that the proposed density is excessive and would constitute overdevelopment.
- That the height of development is excessive relative to existing two storey development. The design is not as stated by county architect good. Rather reference is made in the e mail from the architect stating that the floor plans are bad and dated.

6.4.3. Planning Authority Observations on First Party Response to Appeal

States that the issues covered in the first party response have been previously commented up by the Planning Authority and that these comments are still relevant. Requested that the decision of the Planning Authority would be upheld.

6.4.4. Third Party Observations on Model Submitted by First Party with Appeal Response

On foot of a section 131 notice and the receipt by the Board of a model of the proposed development, parties to the appeal were invited to make any submissions or observations on the model. The following is a summary of the main issues raised in these submissions as they relate to the submitted model of the proposed development:

- That the model is inaccurate. Specifically, it indicates that a number of properties on the opposite side of the Old Navan Road have been extended over the garage when that is not the case. The front boundary walls of these properties are also shown higher than in reality. The trees shown are not to scale. The veracity of the model should be independently assessed.
- That the model is of an overall small scale.
- That the solid block materials of the model are not appropriate. It makes the proposed development blend in much more than would be the case in reality.
- That the development is out of character with the existing pattern of development in terms of height, scale and mass.
- That the proposed development has devalued the houses in the area which are not selling.
- The proposed development is contrary to the residential zoning objective of the site.
- That contrary to the development description there is no set back on a large part of Block B facing the Old Navan Road. The four storey development fronting the Old Navan Road will have an overbearing visual impact on the properties opposite. Block B fronting the Old Navan Road also does not respect the existing established building line.
- The model indicates the proximity of the development to the rear of existing dwellings on Talbot Court and Ashgrove. Properties on Talbot Court will have a blank gable wall facing them in their rear gardens with clean negative implications for light.
- The development dominates its surroundings and surrounding properties by virtue of the fact that it extends right to the site boundaries.
- The model indicates the very limited separation between blocks within the development. The vehicular access between blocks for emergency services appears too narrow.
- The model does not indicate colours or finishes to the blocks.

- The model and the angle of the parking ramp and access arrangements show how there would be light pollution and traffic congestion at the access.
- That the model shows the adverse impact of the removal of the existing mature trees. The trees indicated in the model will not survive as they are too close to the proposed building. In other areas trees indicated are on third party lands and are deciduous in nature.
- That the development gives access to the amenity space to the rear which was landscaped using funds provided by local residents and which is considered to be part of their development.
- The model shows trees between Block D and the site boundary however no planting is indicated in this area in the landscape plan.
- The model reinforces how there are potential overlooking issues arising in the development.
- That there are fire safety implications from an apartment development.
- That the model appears to oversail the open space area to the north.
- That the grassed area along the eastern boundary is less than reality and it appears that the wall in this area may be removed.
- That there is inadequate amenity space. Viewing the model would indicate that the open space area is generous but this is connected with the existing dwelling. The large financial contribution is part of the reason the council granted permission.
- The Planning Authority does not consider that the submission of the model raises issues that warrant a change in the decision of the Planning Authority. Requested that the decision of the Planning Authority to grant permission is upheld.

7.0 Observers to Appeal

A total of 40 no. observations on the appeal submissions were received by the Board. The following is a summary of the main issues raised in these submissions:

- That the proposed development is excessive in scale and would result in overdevelopment of the site and an excessive residential density. It is excessively dense relative to other permitted / proposed developments in the general area.
- That the Sustainable Residential Development Guidelines, while acknowledging the need to maximise the use of urban sites, states in relation to infill development that a balance has to be struck between the need for residential infill, the protection of the established character of an area and the amenity and privacy of adjoining dwellings. Submitted that this balance has not been achieved in this development.
- That the height at four storeys and 12.4 metres is excessive.
- That the proposal would be contrary to the residential zoning objective for the site. The development also contravenes plan policy not to allow buildings higher than three storeys in the Blanchardstown area, (Objective Blanchardstown 1).
- The photomontages / visuals submitted are inadequate to allow for proper assessment of the proposal.
- That there would be a significant loss of privacy and overlooking arising.
- Overshadowing of adjoining properties would occur. There would also be over shadowing within the development and of the existing open space area to the north. The submitted shadowing report is incomplete.
- That the outside amenity spaces / balconies would result in noise for surrounding houses.
- Traffic congestion and lack of parking provision. There is already an issue with commuter parking in this location and overflow parking from the Mills apartment development, Castleknock train station and the educate together NS.
- The design is out of keeping with the area.

- That there is inadequate open space provision. Condition No. 21 requires the payment of a financial contribution of €71,890 in lieu of deficit of 1725 sq. metres of open space.
- That there is bedrock on site that will pose issues for the construction of the basement to the scale proposed. There are also drainage issues arising.
- The land in the area of the site is characterised by poor drainage. A flood risk assessment should have been undertaken.
- The loss of trees is not acceptable and would impact on amenity.
- Noise generation and loss of amenity for surrounding dwellings.
- Potential impact on the D15 cycle route.
- Construction impacts including noise.

8.0 Assessment

The following are considered to be the main issues in the assessment of this

- Land use Zoning, Density and Principle of Development.
- Traffic, access and parking,
- Design and visual impact,
- Impact on Residential Amenity,
- First Party Appeal against Condition No.2
- Other Issues
- Appropriate Assessment

It should be noted that the assessment undertaken by Fingal County Council was under the provisions of the previous County Development Plan. The 2017-2023 Plan came into effect in March, 2017 and has been used in the following assessment. The zoning of the site was the same under both the previous and current development plans.

8.1. Land Use Zoning, Density and Principle of Development.

- 8.1.1. The appeal site is located on lands that are zoned Objective 'RS' under the provisions of the Fingal County Development Plan, 2017-2023. The objective states as follows: *'to provide for residential development and protect and improve residential amenity'*. The stated 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'*. Residential development is identified in the plan as being Permitted in Principle on lands zoned Objective RS. The principle of apartment development on the appeal site is therefore acceptable subject to consideration of the impact of the proposed layout on the residential amenity of existing residential development in the vicinity. This issue is addressed in more detail in the sections below.
- 8.1.2. I note the fact that the Fingal Development Plan promotes the development of infill sites at sustainable densities, particularly where such sites are located in close proximity to public transport corridors and termini. In this regard I specifically note that section 1.6 of the Plan relating to strategic policy identifies the consolidation of the growth of the major centres of Blanchardstown and Balbriggan through the encouragement of infill development within appropriate locations. Objective SS08 seeks the strengthening of greenbelts by the identification of opportunities for infill development and consolidation of the existing towns. Objective SS15 seeks the strengthening and consolidation of existing urban areas through infill development in order to maximise the efficient use of infrastructure and services. Objective PM44 states that it is an objective to encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas. There is therefore considerable policy support in the development plan for the principle of infill development and urban consolidation.
- 8.1.3. With regard to the density of development and the intensity of the proposed infill site there are a number of policies of relevance. Objective PM41 seeks to encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities of existing or future residents are not compromised. Objective MT05 seeks the integration of land use and transportation by allowing higher density developments along public transport corridors. Section 12.4 of the Plan states that density should be consistent with the provisions of the

Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and that as a general principle higher residential densities will be promoted within walking distances of town and district centres and public transport facilities.

- 8.1.4. The Sustainable Residential Development Guidelines indicate that in the case of sites within 1km of rail stations minimum densities of 50 units per ha. should be sought subject to appropriate design and amenity standards with the highest densities being located at public transport hubs and decreasing with distance away from these nodes, (paragraph 5.8). In the case of the appeal site it is located within c. 600 metres of Castleknock rail station and so is a location where higher density development of 50 units per ha. plus are appropriate. The proposed development has a density of approximately 129 units per ha. as originally proposed and c. 120 units per ha. as amended by condition by the Planning authority. Both density figures are clearly very significantly in excess of the minimum figure set out in the Guidelines. I also note the fact that while higher densities on the basis of proximity to public transport corridors are promoted in paragraph 5.8 of the Guidelines, this is indicated as being on a graduated basis having regard to the distance from the transport node. In the case of the appeal site, Castleknock rail station is approximately 600 metres from the appeal site. While a density in excess of 50 units per ha. is therefore justifiable, it is not clear that the Guidance envisages a density in the range of 120 plus units per ha. on a suburban site that is at such a remove from the public transport node. Finally, the relatively limited size of the site (0.317 ha.) and the surrounding residential context of two storey suburban housing are also considerations in the assessment of an appropriate density.
- 8.1.5. Overall therefore, on the basis of the above considerations, it is my opinion that the density proposed at or above 120 units per hectare is clearly high given the size of the site, its location in a suburban area and surrounding two storey pattern of development and its distance from the public transport corridor, in this case Castleknock Rail Station. In accordance with the Sustainable Residential Development Guidelines and the development plan policies set out above, consideration of density has to be in the context of the design and visual impact and issues of residential amenity, and these are considered in the sections below.

8.2. Traffic, Access and Parking,

- 8.2.1. The development proposes an underground car park which was the subject of revision during the course of assessment by the Planning Authority with the number of parking spaces increased to a total of 73 no. spaces. The third party appellants contend that this level of parking provision is inadequate and will generate on street parking demand in an area that is already the subject of parking pressure due to the presence of other apartments (The Mill development), school (Educate Together NS), 12th Lock Public House and persons using Castleknock rail station. The appellants also object to the scale of the proposed underground car park and question the ground conditions on site. The impact of the additional units on access to the Old Navan Road from the junction with the main road to the west is also questioned.
- 8.2.2. In terms of parking provision, the proposed development is consistent with the car parking standards set out at Table 12.8 of the Plan. These standards are, in my opinion, relatively high and require 1.5 spaces per two bedroom unit plus 1 visitor space per 5 units. In the case of three bedroom units 2 no. spaces per unit are required plus visitor parking. I would agree with the Transportation section of the council that this parking provision is appropriate to serve the development and that on street parking arising from a lack of parking spaces in the development should not be an issue.
- 8.2.3. The proposed basement layout has been the subject of revision during the course of the assessment by the Planning Authority with the extent of the basement being extended close to the site boundaries. The layout of the basement is such that it comes within c. 2 metres of the boundary with the residential properties to the east on Talbot Court. This is close for a suburban situation. The comments of the third party appellants regarding ground conditions and the presence of rock is not addressed in detail by the first party in the response to the grounds of appeal and no results of ground investigations have been submitted. The submission of such information would have been desirable and notwithstanding the results, the construction of the basement would have clear potential adverse impact on residential amenity during the construction phase, particularly for the properties on Talbot Court.

- 8.2.4. The appellants contend that the proposed development should have been accompanied by a Traffic Impact Assessment (TIA). The Transportation Department of the council have indicated that they do not consider that such an assessment is necessary in this instance and note that the scale of the development is very significantly below the normal threshold for TIA of 100 residential units. I would agree with this assessment and note the fact that the transportation assessment submitted by the first party as part of their response submission indicates that the traffic generation in the AM and PM peak hour is in the order of 15 in the AM peak and 20 in the PM peak. I also note the fact that the assessment submitted by the first party shows that the proposed residential use would generate significantly fewer daily trips than is the case with the current public house use, estimated by the first party at 138 as against the existing 352.
- 8.2.5. Overall therefore, it is my opinion that the car parking provision to serve the proposed development is adequate and that the proposed development would not have a significant adverse impact on residential amenity, traffic congestion or traffic safety.

8.3. **Design, Layout and Visual Impact,**

- 8.3.1. The third party appellants contend that the contemporary design approach proposed is not compatible with the existing pattern of development in the vicinity of the site and that the design would have an adverse impact on residential amenity and be contrary to the residential zoning objective of the site.
- 8.3.2. I note the fact that the basic design proposal and the utilisation of a contemporary design is supported by the Fingal County Architect albeit that some concerns regarding the internal layout were expressed. I also note the fact that in principal the pursuit of a contemporary design approach is supported in Objectives UD02 and PM45. It is also noted that this latter objective (PM45) is subject to the design proposed '*...respecting the character and architectural heritage of the area*'. Similarly, objectives promoting increased densities such as Objective PM41 and SS16 stress the importance of consistency with established residential form and that '*...the quality of place, residential accommodation and amenities for existing or future residents are not compromised*'. As set out in section 8.4 below I have a

number of concerns with regard to the potential impact of the development on residential amenity and specifically in terms of overbearing visual impact, overshadowing and loss of privacy that would arise on foot of the development as permitted by the Planning Authority. These issues and potential amendments to the design to address these issues are discussed in more detail in section 8.4 below.

8.3.3. The basic design of the proposed development is in my opinion a well considered contemporary approach to the development of the site. The development of the site in a manner that is strongly based on the existing dwellings or, as is suggested in a number of third party submissions, in the form of two storey housing is not in my opinion appropriate in terms of a design approach or the efficient use of this infill site. Such an approach would clearly run contrary to development plan objectives for densification and efficient use of urban land as set out at paragraph 8.1 above.

8.3.4. With specific regard to height, I note the concerns expressed by third party appellants and observers regarding the proposed four storey height and the consistency of that height with the provisions of the development plan. In this regard, I specifically note the provisions of Objective BLANCHARDSTOWN 1 of the current development plan which states that it is an objective to prepare an urban framework plan for Blanchardstown to guide future development including infill development that would not exceed three storeys. The appeal site is located within the area identified on Sheet 13 of the Plan as comprising the area to be the subject of this framework plan. I note, however, that no urban framework plan in accordance with this objective has, to date, been prepared and also that what is proposed is a framework plan rather than LAP. While no framework plan on foot of this objective has to date been prepared, the intention of Objective BLANCHARDSTOWN 1 is, in my opinion, clear and development to the scale proposed could be considered to be contrary to the aims of this objective. Against this, I note the fact that the design approach proposed utilises a stepped design with the four storey element of the development restricted to the central part of the site. It is also noted that the impact of Condition No.2 as attached to the Notification of Decision to Grant Permission would be to reduce Blocks A and C to a maximum of three storeys in height. On balance therefore I do not consider that the development of parts of the site to a height of four storeys should be excluded in principle or that permission should be refused solely on this basis.

- 8.3.5. A number of third party submissions make specific reference to the impact that the proposed development would have on the elevation to the Old Navan Road and also to the fact that the proposed layout is not considered to respect the established building line in this location. The fact that the submitted model and drawings do not show the development further to the south east on the Old Navan Road is also highlighted in a number of submissions. The proposed layout is such that it does extend close to the front boundary of the site and specifically in the case of Block B at the south east corner of the site. I note the fact that Block A is located such that there is a greater set back to the site boundary on the south west facing elevation and that this set back roughly matches that of the houses to the west on the Old Navan Road. The site setting in that it is adjoined by a road to the west (Talbot Downs) and an existing dwelling to the south east that does not match the established building line of the more recent houses on Old Navan Road has also, in my opinion to be taken into consideration. Given these factors I do not consider that the proposed building line or presentation of the development to the Old Navan Road is problematic in terms of visual amenity or the protection of the established streetscape and pattern of development.
- 8.3.6. The internal layout of the development as submitted is considered to be in accordance with the standards set out in the Sustainable Urban Housing Design Standards for New Apartments. The ratio of dual aspect units is above the minimum of 50 percent specified in the guidelines with, in general, only the units on the eastern side of Block B not having a dual aspect to avoid overlooking of the properties to the east on Talbot Court. A maximum of four units per core are proposed. In terms of floor areas, room sizes and storage areas, details are set out on drawing No. PP 10 received by the Planning Authority on 25 May, 2017. All of the five proposed unit layouts are above the minimum floor area standard set out in the guidance and, from my calculations, the floor areas exceed the minimum levels by more than the 10 percent specified in paragraphs 3.7 – 3.9 of the guidelines.
- 8.3.7. Private open space provision is set out in Drg. RFI 03 submitted to the Planning Authority on 26th September, 2016. This indicates compliance with the requirements of the Sustainable Urban Housing Guidelines and, as can be seen from the schedule provided on this drawing, in many instances the minimum amenity space areas are very significantly exceeded. The communal amenity space provision within the

development comprises the central amenity space that runs approximately east west and separates Blocks A and B at the southern side of the layout from C and D at the rear. The extent of this area is stated by the applicants to be slightly in excess of 2,000 sq. metres however the central east – west orientated area would appear to have a usable area of slightly in excess of 1,000 sq metres. Objectives PM52 and PM53 of the development plan set out the policy with regard to public open space and PM53 states that in the case of smaller scale developments a financial contribution in lieu of this provision would be sought. This is the approach followed in the Notification of Decision issued by the Planning authority where condition No.21 seeks the payment of a financial contribution of €71,890 in lieu of a deficit of 1,725 sq. metres of public open space provision. The basis for this calculation is set out at the end of the Park department report on file and I am in agreement with these calculations. I note the content of condition No.21 and consider it appropriate that in the event of a grant of permission a similar condition would be attached by the Board. I also note that the Appendix of the Sustainable Urban Housing Guidelines sets out minimum standards for communal amenity space and specify 7 sq. metres for a two bedroom unit and 9 sq. metres for a three bedroom unit. The development as permitted by the Planning Authority would therefore require provision of 278 sq. metres which is clearly achieved on site. Regard also needs to be had to the proximity of the development to the existing amenity area to the north and the proposed connection of the development to this area. Overall, it is my opinion that subject to the payment of a financial contribution in lieu of open space provision as specified in the development plan that the proposals for provision of communal and public open space are acceptable.

8.3.8. Internal separation distances within the development have been queried by appellants with specific reference made to Objective DMS28 which requires that a minimum separation distance of 22 metres between opposing rear windows shall be provided and that in residential developments of over 3 storeys separation distances shall be increased. In the case of the proposed development, the separation distances between the blocks across the courtyard vary between 17.2 metres and c.19.8 metres and so are below the 22 metres general standard specified in the plan. I would however note that the text on Separation Distances in page 421 of the development plan states that in certain instances depending on orientation and

location in built up areas, reduced separation distances may be acceptable. This approach is supported in section 10 of the Urban Design Manual that accompanies the Sustainable Residential Development Guidelines which states that the ridged application of rules on overlooking and distances should not preclude appropriate densities and that in such circumstances alternative design solutions may be considered. In the case of the proposed development where the degree to which the general standard of 22 metres separation is not met is small, to the availability of light to the central space as indicated in the ARC report, to the elevational design facing the courtyards and to the internal nature of the separation distances which do not impact on third party properties it is my opinion that the separation distances and internal relationship between units is acceptable.

8.4. Impact on Residential Amenity,

- 8.4.1. Significant concerns are expressed by third parties regarding the potential impact of the development on residential amenity and particularly the potential impacts in terms of overshadowing, loss of light, overlooking and overbearing visual impact. I intend to address these issues as they relate to receptors on each side of the development site.
- 8.4.2. The residents of Old Navan Road to the south of the site cite particular concerns with regard to the height of the proposed development and potential overlooking of their properties. As set out at paragraph 8.3.5 above, I do not consider that the scale of development proposed is inappropriate in this location or would have a significant adverse impact on the visual amenity of the area. The proposed development would be separated from the front elevations of residential properties opposite on the southern side of the Old Navan Road by a minimum of c.27 metres. The site is separated by the road and the proposed development would face the front gardens of the properties opposite. No overshadowing issues arise as the proposed development is due north of these properties. Overall therefore, I do not consider that there would be significant negative impacts on residential amenity of properties to the south on Old Navan Road.

8.4.3. The houses to the west on Talbot Downs are also separated from the appeal site by a road and the development would face the front gardens rather than private amenity areas of these dwellings. Separation distances are generally 18-20 metres to the front elevations of dwellings on Talbot Downs. While there are terraces / balconies facing north west in Blocks A and C these are proposed to be set back from the building line and such that the separation to the front of the Talbot Downs houses would be c.22 metres. It is also noted that Condition No.2 attached by the Planning Authority requires the omission of the second floor of Blocks A and C which reduces its overall height and omits the balconies at this level in both blocks. Overall, I do not consider that subject to the omission of the second floor of Blocks A and C as required by Condition No.2, that the proposed development would have a significant negative impact on the residential amenity of existing dwellings on Talbot Downs by reason of overlooking or over bearing visual impact. With regard to shadowing, the Sunlight and Daylight Analysis prepared by ARC Consultants and submitted to the planning authority as clarification of further information indicates that there would be a very minimal impact on light to ground floor windows of houses on Talbot Downs (see Table 2.1 of ARC report relating to No.9 Talbot Downs). The shadow diagrams do, however, show a potentially significant impact on the front gardens of properties on Talbot Downs in the mornings at the equinox. It should be noted that both of these results are for the development as originally proposed and with the omission of the second floor as conditioned by the Planning Authority the shadowing impact would likely be significantly reduced. It is also noted that the garden areas under shadow are front gardens rather than rear private amenity spaces. Having regard to the above, subject to the omission of the second floor of Blocks A and C, I do not consider that the proposed development would have a significant adverse impact by way of shadowing or loss of light to properties in Talbot Downs.

8.4.4. The potential impact of the development on the amenity of dwellings to the east of the site at Nos. 14-16 Talbot Court was the subject of significant concern in the third party submissions received. These concerns relate principally to issues of overlooking, loss of privacy, overshadowing and overbearing visual impact. Blocks B and D are located on the eastern side of the development adjacent to the boundary with the properties on Talbot Court. Block B impacts on the detached house that is located at the junction of Talbot Court and Old Navan Road (Ashgrove) and presents

a three storey elevation to this property and a separation distance of c. 29 metres. Block B also faces the front elevation of this dwelling and there are no windows in the proposed development that directly face 'Ashgrove'. Submitted shadow projection diagrams indicate the March equinox impact at 5pm which shows a relatively minor impact, and the daylight assessment indicates no impact on the living room of the adjoining property (Zone C in Table 2.3 of ARC Report). For these reasons, I do not consider that the proposed development would have an excessive adverse impact on the residential amenity in this location.

8.4.5. The situation with regard to the dwellings at Nos. 14-16 Talbot Court is in my opinion slightly different and there are a number of issues of relevance. Block D is proposed to be part three and part four storeys in height with the height stepping down to three storeys on the eastern side where it adjoins the boundary with Nos.14-16. In this location, Block D is proposed to be located within less than one metre of the boundary with the houses to the east at the closest point, although the general separation varies between c.2-3 metres. The location of this block to the west of Nos. 14-16 and the proximity to the boundary raises issues of overshadowing and overbearing visual impact. The Daylight and sunlight assessment submitted by the first party as part of the clarification of FI submission indicates that the impact of the development on the availability of daylight is very limited (Zone B in Table 2.3), however the shadow projection diagrams indicate a significant negative impact on sunlight during the evening period.

8.4.6. The appellants raise concerns regarding the potential for overlooking from the balconies within the development. No windows are proposed in the south east facing elevation of Block D facing Nos. 14-16 Talbot Court, and the balconies are proposed to have privacy screens 1.8 metres in height to prevent direct overlooking of the rear gardens of the houses on Talbot Court. Notwithstanding these factors however it is my opinion that a combination of the loss of sunlight arising to the rear gardens of Nos. 14-16, the perceived overlooking and the visual overbearing effect of having a three storey block (Block D) located in such close proximity to the rear boundary of the gardens of Nos. 14-16 Talbot Court is such that the development in its proposed format would have a significant negative impact on the residential amenity of these properties. In order to be acceptable it is my opinion that the height of Block D needs to be reduced to a maximum of two storeys where it adjoins the

boundary with Nos.14-16 Talbot Court. Such a change would, in my opinion, noticeably reduce the potential loss of sunlight and visual overbearing impact. It would also significantly reduce the bulk and visual impact of Block D when viewed from the rear gardens of the properties at Nos. 14-16 and would make the scale of development on this part of the site more in keeping with that on Blocks A and C to the west which have been conditioned by the Planning Authority to be reduced to two storey closest to Talbot Downs. The reduction in scale would require the omission of the two units located at second floor level to the east of the stair core and bring the permitted number of units down from 38 no. as conditioned by the Planning Authority to 36 no. The effect of these changes would be to reduce density of development to c. 107 units per hectare.

8.5. First Party Appeal Against Condition No.2

- 8.5.1. The first party have appealed against Condition No.2 attached to the Notification of Decision to Grant Permission issued by the Planning Authority which required the omission of the second floor of Blocks A and C on the western side of the development. The basis for the first party appeal is that the reduction in scale is not warranted having regard to the findings of the ARC Consultants Daylight and Sunlight report and the fact that the requirements of the BRE guidelines are complied with. I would agree that on the basis of the daylight analysis contained at section 2.2 of the report that the predicted change in daylight levels at 0.94 of the original level, is not very significant. The development will however in my opinion have a significant shadowing impact on the front gardens of properties to the west in Talbot Downs. In addition, the separation distance between Block C and the front elevation of the properties on Talbot Downs is tight at c.20 metres and a reduction in scale of Blocks A and particularly Block C is in my opinion warranted to mitigate potential issues of overshadowing, and overbearing visual impact. In view of the above it is therefore recommended that the requirements of Condition No.2 as attached to the Notification of Decision issued by the Planning Authority should be included in any grant of permission issued.

8.6. Other Issues

- 8.6.1. Condition No.5 attached to the Notification of Decision to Grant Permission issued by the Planning Authority requires the submission of an arrangement to meet the requirements of Part V of the Planning and Development Act. There is a report on file from the Housing Section of the Council stating that consultations have been held with the first party and that the proposals made are acceptable. It is therefore considered appropriate that a condition requiring the submission of proposals to meet the requirements of Part V be attached to any grant of permission issued.
- 8.6.2. The third party appellants raise issues with regard to the impact of the proposed development, including basement car parking, on existing trees that adjoin the site. In particular, the impact of the development on existing trees on the Talbot Downs frontage is questioned. In response to concerns expressed by the Planning Authority and the Parks Department the first party submitted details of the existing trees on and adjoining the site, including those on the Talbot Downs frontage. In this response, the first party in the form of an arborist report set out how the existing trees on the Talbot Downs and Old Navan Road frontages are currently planted in a very limited rooting area and are located in close proximity to existing walls and other features and combined this is acting to limit their growth. The first party submitted proposals for the planting of new trees, of a more appropriate species type that would be based in proper tree pits and which would provide a better long term option for street trees. On the basis of the information presented I would agree with the Planning Authority that these proposals are acceptable. I note the comments in the report of the Parks Department with regard to the protection of existing trees in the park area to the north of the site and in the event of a grant of permission it should be a condition that these trees would be protected during construction.

8.7. **Appropriate Assessment**

- 8.7.1. The application is accompanied by an appropriate assessment screening report prepared by Hughes Planning and Development. This screening assessment concludes that there would not be any significant adverse impacts on any of the 6 no. Natura 2000 sites identified within 15km of the appeal site. The closest of these sites is the Rye Water Valley / Carton SAC which is located c. 8.3KM to the west of the site.
- 8.7.2. Having regard to the existing developed nature of the site, to the separation of the site from identified Natura 2000 sites and to the fact that there is no direct hydrological linkage between the site and Natura 2000 sites it is considered that the proposed development is not likely to have a significant effect on any European site in the light of the conservation objectives of these sites.

9.0 Recommendation

9.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

10.0 Reasons and Considerations

Having regard to the following:

- The residential zoning objective for the site and the established pattern of development in the area,
- The location of the site within c.600 metres of Castleknock rail station,
- The provisions of the Fingal County Development Plan regarding infill development, and the sustainable use of urban land, in particular Strategic Policy 5 which seeks the consolidation of the growth of the major centres of Blanchardstown and Balbriggan through the encouragement of infill development, Objective SS08 relating to infill development and urban consolidation, Objective SS15 relating to urban consolidation and the efficient use of infrastructure and services and Objective PM44 which encourages the development of underutilised infill, corner and backland sites in existing residential areas.
- The provisions of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities issued by the Department of Environment Heritage and Local Government,

it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 26th day of September, 2016 and the 21st day of December, 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. The proposed development shall be amended as follows:

(a) the second floor of Blocks A and C and the second floor of Block D to the east of the service core as indicated on drawing No. PP.07 received by the Planning Authority on 25th day of May, 2016 and associated car parking shall be omitted from the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. The landscaping scheme shown on drg no. PP.11, as submitted to the planning authority on the 16th day of September, 2016 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following requirements shall be complied with:
 - (i) Prior to the commencement of development, the developer shall contact the Planning Authority to agree final details of the construction

of the proposed path across the public open space located to the north of the site.

- (ii) The boundary between the site and the public amenity space to the north shall comprise a railing in addition to the hedgerow proposed. Details of this boundary shall be submitted for the written agreement of the planning authority prior to the commencement of development.
- (iii) The proposed grass margin along the Old Navan Road shall be omitted from the development and the area hard surfaced.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on and adjoining the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

5. Details of the materials, colours and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. Prior to the commencement of development, the developer shall submit details of the cross section of the kerb, footpath and future cycle path on the Old Navan Road frontage of the site for the prior written agreement of the Planning Authority.

Reason: To protect the residential amenities of the area and to provide for the provision of a cycle route in this location as indicated in the development plan.

8. All service cables associated with the proposed development 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 a naming and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name 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 and to ensure the use of locally appropriate place names for new residential areas.

10. 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 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.

11. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. 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, including areas to be maintained by the management company and areas proposed to be taken in charge by Fingal County Council 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.

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

(b) This plan shall provide for 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.

15. The developer shall submit a construction method statement for the construction of the permitted basement car parking area. This statement shall set out the proposed method of excavation for the basement and measures to ensure the protection of surrounding third party properties during the construction process. Details shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To protect the residential amenity and condition of surrounding residential properties during the construction process.

16. All wc's and bathroom windows shall be fitted and thereafter permanently maintained with obscure glazing.

Reason: In the interests of residential amenity.

17. 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:

- (i) 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
- (ii) 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.

18. The developer shall pay to the planning authority a financial contribution of €274,243 (two hundred and seventy four thousand two hundred and forty three euro) 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is 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 the sum of € 71,890 (seventy one thousand eight hundred and ninety euro), to the planning authority as a contribution in lieu of open space provision within the development and towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal County Development Plan. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate.

Reason: It is considered reasonable that the developer should contribute towards the provision of open space and amenity facilities in the area of the development.

20. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces 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 security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of €152,000 (one hundred and fifty two thousand euro), or
- (b) a cash sum of €95,000 (ninety five thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

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

Stephen Kay
Planning Inspector

2nd August, 2017