



An  
Bord  
Pleanála

## Inspector's Report 06F.248757

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| <b>Development</b>                  | Permission to change previously granted permission (F15A/0552 ABP. PL06F.246519) from 8 no. apartments to 4 no. terraced houses and all associated site works. The former 'Castle Inn', |
| <b>Location</b>                     | St. Margaret's Road, Meakstown road, Dublin 11.   |
| <b>Planning Authority</b>           | Fingal County Council   |
| <b>Planning Authority Reg. Ref.</b> | F17A/0200   |
| <b>Applicant(s)</b>                 | Greenwich Project Holdings Limited  |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | Grant   |
| <b>Type of Appeal</b>               | Third Party   |
| <b>Appellant(s)</b>                 | Eimer Ní Cheallaigh.  |
| <b>Observer(s)</b>                  | None.   |
| <b>Date of Site Inspection</b>      | 27 <sup>th</sup> August 2017  |
| <b>Inspector</b>                    | Patricia Calleary.  |

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## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.46 ha is located in Meakstown, Dublin 11. It is roughly rectangular in shape and comprises the former 'Castle Inn' public house which is currently vacant and semi-derelict and the site is unkempt and overgrown. It is bounded to the north by the R104 (St. Margaret's road) which runs parallel to the M50 motorway and links the northern environs of Finglas with Ballymun further east. Lands to the east comprise open space and lands to the south and west comprise residential development in the form of suburban housing and apartments. Lands to the immediate west of the subject site are fenced off, undeveloped and currently overgrown. Current access is via a locked gate along St.Margaret's road.

## 2.0 Proposed Development

2.1. Permission was granted on the site for 21 residential units under appeal Ref: PL06F.246519. The current application relates to a proposal to substitute 8 no. apartments/duplex units for 4 no. terraced houses together with all associated site works. In total, 17 houses would result.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission with eight planning conditions attached, the following of note:

- **C4** – Omit cycle parking as omission of apartments and duplex units remove the necessity for cycle parking;
- **C7** – Security bond of €40,000 or cash deposit of €25,000;
- **C8** – S.48 Development Contribution.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Proposed development is zoned residential and is acceptable in principle;

- Proposed development complies with Development Plan standards for floor areas, room widths, private amenity space and storage space;
- Open space generally in line with that granted under its parent permission with 50 sq.m added which had occupied communal bin storage. As apartments and duplex units are to be removed, bicycle parking should be subsumed into adjoining area of open space;
- External appearance and visual impact is considered an improvement on parent scheme and would be acceptable;
- No new issues in respect of residential amenity arise;

The Planning Officer put forward a recommendation to grant permission and requests that Condition No.7 and No.8 attached to the parent planning decision should be repeated.

### 3.2.2. Other Technical Reports

- Transportation – No Objection;
- Water Services (Surface Water) – No Objection.

### 3.3. Prescribed Bodies

- Irish Water – No objection;
- DAA – Development is located in the Outer Airport Noise Zone. Requests appropriate noise mitigation measures by way of a planning condition;
- Parks Planning Section (verbal report referenced in planning officer's assessment) – Details of surface water detention basis to be agreed with PA.

### 3.4. Third Party Observations

- 3.4.1. Five third party observations were received, the contents which have been summarised in the Planning Officer's report and which are taken into account in the Planning Authority's assessment. I have also considered these in my assessment of this appeal.

## 4.0 Planning History

4.1.1. PL06F.246519 (PA Ref: F15A/0552) - Construction of 21 no. residential units, new access road and extension of footpath/street lighting from Lanesborough Gardens to site (September 2016).

4.1.2. In addition to the above, there are two referrals with the Board which relate to the parent development on the site. RL3557 (FS5/006/17) is seeking a declaration on 'whether a study room can be used interchangeably as a study or other habitable room in 4 no. ground floor apartments is or is not development or is or is not exempted development'. RL3558 (FS5/005/17) is seeking a similar declaration in relation to 4 no. duplex units.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The provisions of the Fingal Development Plan 2017 – 2023 apply. The site is zoned '**RS – Residential**' with an objective to 'provide for residential development and protect and improve residential amenity'. Other provisions are listed under.

- **Objective DMS24** - Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3;
- **Objective DMS87** - Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows: 3 bedroom houses or less to have a minimum of 60 sq. m of **private open space** located behind the front building line of the house;
- Require a minimum **public open space** provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms;
- The site is located in the Outer Airport Noise Zone and **Objective DA07** applies (control inappropriate development and require noise insulation).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An appeal was received from Eimer Ní Cheallaigh, the principal points which are summarised as follows:

- No consultation residents took place with the adjoining residents;
- Traffic flow has not been studied to establish the facts;
- Access to the site during construction and thereafter should be off Saint Margaret's road and not through Lanesborough Gardens which would pose a danger to an already chaotic and dangerous traffic situation;
- Pedestrian walkway onto Saint Margaret's road would further compromise the safety of children and security of houses as they attract anti-social behaviour;
- No information provided on where construction traffic would park;
- Structural report was not prepared resulting in potential to impact on health and safety of residents and children;
- Primary area of play for children will become inaccessible as a direct result of the development.

### 6.2. Applicant Response

6.2.1. A response to the grounds of appeal was received from AKM Design representing the applicant. The response to the can be summarised as follows:

- Public notices were erected and the PA accepted public submissions;
- Number of units proposed on the site would reduce, hence traffic impacts would reduce;
- Access through Lanesborough Gardens is not proposed to be altered in the current proposal and is considered safe;
- Design team consulted with the community;
- Construction traffic will be controlled in accordance with a construction management plan.

### 6.3. **Planning Authority Response**

- The proposed development is considered acceptable given that the proposed reduction in residential density is small in scale and given the wider area benefits from a varied housing mix;
- Proposed reduction in scale of the development would reduce its impact on the neighbouring Lanesborough Garden estate through a corresponding reduction in traffic;
- Requests the PAs decision is upheld and also requests the attachment of Condition No. 7 and 8.

### 6.4. **Observations**

- None

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. I have read the contents of the planning application and appeal file. I have also visited the site and environs and have taken account of relevant planning policy. I consider that the key issues in determining the application and appeal before the Board are as follows:

- Principle of the Development
- Traffic and Access
- Other
- Appropriate Assessment

My considerations of each of the issues are set out under the respective headings below.

### 7.2. **Principle of the development**

7.2.1. The proposed development fully accords with the '**RS**' zoning objective set out in the current Fingal Development plan. The proposed dwellings would comply with the

minimum requirements set out in Tables 12.1 and Table 12.3<sup>1</sup> of the Development Plan for floor areas, room widths, storage area and private amenity space.

Accordingly, the development would meet the requirements of **Objective DMS24**.

- 7.2.2. Private open space of 60 sq.m, as required under **Objective DMS87**, is achieved for all of the houses.
- 7.2.3. Public open space would be provided in line with that granted under the parent permission together with an area of c.50 sq.m of useable open space which was to be previously reserved for bin storage under the parent permission granted by the Board. I concur with the Planning Officer's recommendation that as the duplex units and apartments are being omitted, the area reserved for bicycle parking should also be omitted and the area instead subsumed into the overall public open space.
- 7.2.4. In conclusion, the proposed development accords with the provisions of the applicable development plan and is acceptable in principle.

### 7.3. **Traffic and Access**

- 7.3.1. During the consideration of the parent permission, access onto St. Margaret's road was ruled out as it was considered it would result in a traffic hazard having regard to the high traffic volumes on this regional road and its strategic function as a primary distributor and collector road between Finglas and Ballymun. It would not be appropriate or necessary to re-visit this option for the current proposal, given the reduction in scale of the proposed development.
- 7.3.2. Vehicular and pedestrian access would therefore be through the Lanesborough Gardens estate as authorised under the parent permission. In the context of the proposed reduction in scale, the traffic volume would also be reduced, resulting in a reduced traffic impacts arising on the neighbouring Lanesborough Gardens estate. The Transportation department of Fingal County Council raised no objection to the proposed access in their consideration of this planning application.
- 7.3.3. Having regard to the above, I am satisfied that the access and transport arrangements put forward are acceptable.

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<sup>1</sup> Table 12.2 is not relevant in this instance as it relates to apartments/duplex units whereas the current proposal is for houses



#### 7.4. Other

- 7.4.1. **Visual Amenities** – As the scale of the development from that previously permitted would be reduced, broadly from 3 storey to 2 storey, the visual impact would also be reduced. The external material finishes would include coloured render and brick wall finishes and roof tiles, which are considered acceptable.
- 7.4.2. **Residential Amenities** – The proposed development is an amendment of the parent scheme and no new residential amenity issues arise in the current proposal.
- 7.4.3. **Public Consultation** – The appellant considers that public consultation with residents was lacking. In the response to the appeal, the applicant states that the design team consulted with the local community and their elected representatives and that the standard public notices were issued in accordance with the statutory requirements. Having regard to the information on file, I am satisfied that the applicant has complied with the statutory requirements in this regard, particularly that the applicant published the required newspaper notice and erected a site notice in accordance with the requirements of Article 17 (1)(a) and (b) of the Planning & Development Regulations 2001-2017.
- 7.4.4. **Airport Considerations** - The site is located in the Outer Airport Noise Zone. The DAA commented on the application and requested a condition be attached requiring an appropriate level of noise mitigation in accordance with **Objective DA07** (control inappropriate development and require noise insulation) and the recommendations contained in the Noise Assessment report prepared by Decibel Noise Control and submitted by way of further information (March 2016) to the parent permission (PL06F.246519). I have included such a provision in the schedule of recommended conditions at the end of this report.

#### 7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the large separation distance from of the appeal site from any European sites, 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. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and including my site inspection, I recommend that permission is **granted** for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site and the applicable planning history, it is considered that, subject to compliance with the conditions set out below, the proposed development, which seeks to amend a permitted parent permission, 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, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 5<sup>th</sup> September 2016 under appeal reference number PL 06F.246519, planning register reference number 15A/0552, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The cycle parking area as presented on Drawing No. PL 103 (Proposed Site Plan) shall be omitted and the area shall be incorporated into the adjoining area of public open space.

**Reason:** The omission of the apartments and duplex units removes the necessity for a dedicated bicycle parking area.

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

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

5. The mitigation measures contained in the Noise Assessment report prepared by Decibel Noise Control and submitted by way of further information to the Planning Authority (9<sup>th</sup> March 2016) during the consideration of the parent permission (PL06F.246519 /PA Ref: F15A/0552) shall be implemented.

**Reason:** To minimise the adverse impact of noise on new housing development within the outer airport noise zone.

6. 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.

*Patricia Calleary*

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Patricia Calleary  
Senior Planning Inspector

31<sup>st</sup> August 2017