



An
Bord
Pleanála

Inspector's Report ABP-300523-17

Development	Construction of 32 no. apartments.
Location	Mulhalls And Dun Mhuire, Coolock Lane, Santry, Dublin 9.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0449
Applicant(s)	Patrick Mangan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	<ol style="list-style-type: none">1. Patrick Mangan2. Oak View Residents Association
Observer(s)	<ol style="list-style-type: none">1. Marie Moore and Others2. Graham Gordon3. Mary McDyer4. Nigel & Jennifer O'Neill5. DAA6. Elizabeth Fowler

7. John Hickey
8. Barbara Hyland
9. Helena Larkin McElroy
10. Tadhg Shalloo
11. George & Noreen Johnson
12. Betty Barnwell
13. Colm McElroy

Date of Site Inspection

25th April 2018

Inspector

Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.25ha, is located to the north of Coolock Lane (R104) in Santry, Dublin 9. The site is accessed off a cul-de-sac which is referred to by the third party appellants as Old Coolock Lane. This cul-de-sac road serves a number of residential developments to the north and north east of the appeal site and is accessed from Coolock Lane at a location to the south east of the appeal site.
- 1.2. The appeal site is currently occupied by two vacant semi-detached houses which are in a poor state of repair, with blocked up windows and doors, and their associated private amenity space which is unkempt. I noted on my site inspection that all of the trees and hedging within the site, with the exception of that along the Old Coolock Lane, had recently been felled/cleared.
- 1.3. To the west of the appeal site is an access road to the Oak View development of two storey terraced houses. A number of these back onto the northern boundary of the appeal site. A three storey development comprising retail (Centra convenience store) at ground floor and apartments over is located on the opposite side of the access road. To the east of the appeal site is the large private amenity space associated with a neighbouring detached house, which features a large number of mature trees. To the south of the appeal site is Old Coolock Lane, with a relatively wide grass verge separating it from Coolock Lane (R104). Old Coolock Lane is a relatively wide road, and the portion to the west of the appeal site is utilised for informal car parking, some of which appears to be associated with the Centra retail unit and car servicing premises adjacent to this. Coolock Lane is a four lane road which connects to the Swords Road (R132) c. 80m to the west of the appeal site. Santry Demesne Regional Park is located to the west of this junction, while the R104 connects to Junction 2 of the M50 c. 260m to the east of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development, as amended on foot of a request for further information, comprises the demolition of two existing houses and associated outbuildings and the

construction of 28 apartments in a part-four and part-five storey building. The buildings to be demolished have a stated combined gross floor space of 353.6 sq m, while the proposed development comprises 2,970.7 sq m. The apartment types are as follows:

- 3 No. one-bedroom units.
- 21 No. two-bedroom units.
- 4 No. three-bedroom units.

- 2.2. The proposed apartment building comprises two staggered blocks with a central circulation core. The eastern block is five storeys in height, while the western block is four storeys. The top storey of each block is partially set back, and there are balconies and terraces on the north and south elevations. A triangular area of open space is provided to the south, between the apartment building and Old Coolock Lane, with further marginal areas to the north of the car park. The proposed finishes comprise self-coloured render with brick panels at third/fourth floor levels and a grey standing-seam metal finish to the set-back upper floor of each block.
- 2.3. The development, as amended on foot of the request for further information, comprises four less apartments than originally sought, with a substantially revised layout.
- 2.4. The proposed development also includes 36 surface level car parking spaces, 5 of which are to the south and 31 of which are to the north of the proposed apartment building, with access provided to the south of the appeal site onto the Old Coolock Lane, as well as bicycle parking, refuse and recycling area and landscaping. A proposed substation is to be located at the western boundary.
- 2.5. The planning application, as supplemented following the request for further information, included a schedule of accommodation, shadow analysis study, design statement, drainage reports, arboricultural appraisal, acoustic appraisal, Appropriate Assessment screening report and a letter from Fingal County Council stating that the proposal to provide 10% of units on site in order to meet Part V obligations is acceptable to the Council.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council decided to grant planning permission and the following summarised conditions are noted:

- C2: Permission authorises 28 apartments.
- C3(i): Boundary treatment of a low wall and railing shall delineate the southern and western boundaries with the exception of that area of the western boundary north of apartment no. 2, which shall comprise a 2m high wall finished with natural stone.
- C3(ii): Cyclepath to be omitted and replaced with a shared surface. Layout and finishes to be agreed with Planning Authority.
- C3(iii): Southern boundary of the site shall be set back to provide a 1.8m wide public footpath along Coolock Lane.
- C3(iv): Each 3 bedroom unit shall be designated 2 car parking spaces and all other units shall be designated 1 car parking space. The remaining 4 spaces shall be designated for the use of visitors.
- C6: Landscaping masterplan to be submitted.
- C9: Noise mitigation measures to be incorporated to ensure that appropriate noise levels for habitable rooms are achieved, and quantified noise assessment.
- C22: Financial contribution of €62,449 in lieu of open space provision, based on a shortfall of 1,064 sq m.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- Proposed development is permitted in principle.
- Proposed development would enhance the offering of residential accommodation in the area and comply with Objective PM40.

- Proposed density equates to 128 units/ha. This is at the higher end of the scale for a brownfield suburban site, but Guidelines support increased densities within 500m of a bus stop. Site is well served by public transport.
- From analysis of the site plan, shadow analysis and elevations, the apartment blocks would not give rise to undue overlooking, overshadowing or have an overbearing visual impact.
- Proposed development complies with requirement of Guidelines for building in established areas by tapering down towards the boundaries.
- Design is considered to be of a high quality.
- 35m separation distance between the five storey building and houses to the north. This is supplemented by perimeter planting.
- Apartments generally comply with floor area requirements of Ministerial Guidelines.
- Shortfall in public open space provision can be addressed with a development contribution.
- Having regard to the location, scale and nature of the proposed development, the conclusion of the AA Screening Report is accepted (i.e. that there will be no significant impacts on Natura 2000 sites and a Stage 2 AA is not required).
- The revised provision of car parking at surface level eliminates the potential for overlooking of dwellings to the north from the car parking area. Any potential for noise would be suitably buffered by the northern boundary.
- Reconfigured scheme eliminates single aspect north facing apartments.
- There is a shortfall of 12 car parking spaces, but the proposed arrangement is acceptable having regard to public transport provision and the availability of visitor parking on Old Coolock Lane.
- Revised water services layout is acceptable.
- Proposed low boundary wall and railings are acceptable, but should increase in height to 2m at the car park.

- With regard to the Dublin Airport Authority's submission, a Condition should be attached to require noise mitigation measures to be determined and carried out on foot of a full noise assessment.

3.3. Other Technical Reports

3.3.1. Transportation Planning Section: No objection, subject to conditions.

3.3.2. Water Services Section: No objection, subject to conditions.

3.4. Prescribed Bodies

3.4.1. Irish Water: No objection.

3.4.2. daa: Site is within Outer Airport Noise Zone. Noise mitigation measures required.

3.5. Third Party Observations

3.5.1. A considerable number of third party observations were made at application stage and following the receipt of further information. The issues raised were generally as per the third party appeal and the observations on that appeal.

4.0 Planning History

4.1. Appeal Site

4.1.1. **Reg. Ref. F08A/0280**: Permission granted for demolition of two houses and construction of 20 apartments in a three storey building with set back fourth storey penthouse level and associated development.

4.1.2. **PL06F.223281 (Reg. Ref. F06A/1187)**: Permission refused in 2007 for construction of 32 apartments in a part three and four storey building over basement with set back fifth storey penthouse level and associated development. Permission was refused for the following reason:

- Having regard to the lack of semi-private open space and the proximity to the northern boundary, it is considered that the proposed development would not preserve the amenity and character of the area as required by the current

Development Plan for the area, would conflict with the advice in the residential density guidelines, and would represent an unacceptable overdevelopment of a small infill plot. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

4.1.3. **PL06F.209030 (Reg. Ref. F04A/0513):** Permission granted in 2005 for modifications to existing house, Mulhalls, and construction of four new houses.

4.1.4. **PL0F.201925 (Reg. Ref. F02A/1454):** Permission granted in 2003 for a crèche/childcare nursery facility on the site adjacent to Mulhalls.

4.2. **Surrounding Area**

4.2.1. **PL06F.214539 (Reg. Ref. F05A/1024):** Permission granted in 2006 for the demolition of a house 'Lismoy' and construction of a three storey building comprising ground floor retail and three duplex units and associated development. This is the development to the west of the appeal site, on the opposite side of the entrance to Oak View.

5.0 **Policy Context**

5.1. **Fingal Development Plan 2017-2023**

5.1.1. The appeal site and surrounding area is zoned RS, residential, under the Fingal Development Plan 2017-2023. This zoning objective is to provide for residential development and protect and improve residential amenity. The vision for the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

5.1.2. Santry is identified as a consolidation area, and the development strategy is to consolidate the development of Santry, while protecting existing residential amenities.

5.1.3. The appeal site is also located within the Outer Airport Noise Zone. Objective DA07 seeks to strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone.

5.2. Guidelines

- 5.2.1. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DECLG 2018).** These provide guidance in respect of design and layout and recommend minimum quantitative standards for floor areas for different types of apartments, storage spaces, sizes of apartment balconies/patios and room dimensions.
- 5.2.2. **Design Manual for Urban Roads and Streets (2013).** DMURS provides guidance relating to the design of urban roads and streets.
- 5.2.3. **Sustainable Residential Development in Urban Areas Guidelines (DoEHLG 2009)** and its companion, the **Urban Design Manual - A Best Practice Guide (DoEHLG 2009).** These include detailed advice on the role of urban design and planning for new sustainable neighbourhoods. In cities and larger towns, appropriate locations for increased densities, are identified, including outer suburban greenfield sites and public transport corridors.
- 5.2.4. **Quality Housing for Sustainable Communities (DoEHLG 2007).** These are intended to assist with the implementation of initiatives for better homes, better neighbourhoods and better urban spaces. Detailed space requirements are set out and room sizes for different types of dwellings

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located within or adjacent to any sites with a natural heritage designation. The closest pNHA is the Santry Demesne pNHA c. 0.25km to the west. There are no Natura 2000 sites within 4km of the appeal site, while in the wider area there are a number of coastal SPAs and SACs, as follows:
- South Dublin Bay and River Tolka Estuary SPA (Site Code 0004024): 4.2km;
 - North Dublin Bay SAC (Site Code 0000206): 5.6km.
 - North Bull Island SPA (Site Code 0004006): 5.9km;
 - Baldoyle Bay SAC (Site Code 0000199) and SPA (Site Code 0004016): 7.1 km;
 - South Dublin Bay SAC (Site Code 0000210): 7.5km.

- Broadmeadow/Swords SPA (Site Code 0004025) and Malahide Estuary SAC (Site Code 0000205): 7.8 km;
- Rockabill to Dalkey Island SAC (Site Code 0003000): 11.1km.
- Ireland's Eye SAC (Site Code 0002193) and SPA (Site Code 0004117): 11.2km.
- Rogerstown Estuary SAC (Site Code 0000208) and SPA (Site Code 0004025): 11.8km;
- Howth Head Coast SAC (Site Code 0000202) and SPA (Site Code 0004113): 12.3km.

6.0 The Appeals

6.1. A first party appeal against a financial contribution condition and a third party appeal were lodged by Patrick Mangan and Oak View Residents' Association, respectively. The respective grounds of appeal can be summarised as follows.

6.2. Grounds of First Party Appeal

- Applicant is appealing condition 22, which imposed a financial contribution of €62,449 in lieu of 1,064 sq m of open space.
- Levy was calculated from the original application (32 apartments) rather than the 28 apartments granted permission, following a request for additional information.
- Modified proposal results in a requirement for 1,250 sq m of public open space. 284 sq m of open space is provided, resulting in a shortfall of 966 sq m, rather than 1,064 sq m.
- The Board is asked to recalculate the contribution to be paid.

6.3. Grounds of Third Party Appeal

- Conditions and amendments attached to Planning Authority's Order are useful and of benefit to the community.

- Appellant is not opposed to development in principle. Relocated entrance and 2m high wall on western side meet with appellant's approval.
- Two major issues of concern are height of proposed development and traffic impacts.
- Height is not in keeping with existing development in the area. Previous planning permission F08A/0280 encompassed 22 apartments in a three storey building with setback penthouse level. This should be the maximum development height for the site.
- Permission is for 28 apartments and could house up to 112 people. That many people on a 0.25 ha site is gross overcrowding.
- Five storey development will impact on privacy. Balconies and windows to rear will overlook Oak View houses. Previously permitted development had no windows to the rear.
- The only mode of access and egress available to residents of Oak View is by way of Oak View, a narrow lane opening onto Old Coolock Lane. Since the building of the Centra supermarket and apartments there has been a very significant increase in traffic volumes and on street car parking in Oak View.
- Residents emerging from Oak View in the morning must pass the appeal site and turn right onto Coolock Lane. It can be impossible to make this manoeuvre without significant delays due to drivers from Knightswood and Royal Oak ignoring the yellow box and obstructing traffic.
- Additional vehicles associated with proposed development will make prisoners of Oak View residents and insufficient car parking is provided for the number of units proposed, which will result in additional on-street car parking outside the houses in Oak View.

6.4. Applicant Response to Third Party Appeal

- 6.4.1. A response to the third party appeal was received from Kieran O'Malley and Co. on behalf of the applicant and can be summarised as follows:

- 36 car parking spaces are proposed, which is 10 more than for previously approved scheme in 2008.
- While car parking provision is a few spaces below the Development Plan norm, the site is well served by public transport, as acknowledged by the Planning Authority.
- With respect to on-street car parking, there are no parking controls on Oak View Lane or Old Coolock Lane in front of the Centra shop. As a result, on-street car parking takes place without impeding the free flow of traffic.
- The provision of double yellow lines along both sides of Oak View Lane and in front of the site on Old Coolock Lane or pay and display parking would conclusively address on-street parking referred to by the appellants, however this is an issue for FCC to implement.
- The issue with regard to the right turn from Old Coolock Lane towards Coolock Lane appears to be one of motorists ignoring the rules of the road and lack of enforcement.
- Photographs submitted by appellants do not support their stated complaint. They appear to show that the yellow box functions reasonably well.
- Applicant has submitted photographs showing no queueing in the morning peak hour.
- Based on TRICS database, c. 8 trips will occur during 8am and 9am.
- Proposed height is comparable with previously permitted development, while visually it is a significant improvement with a more sustainable density.
- Proposal to remove the existing topped trees to the rear of Nos. 17 – 23 Oak View and replace them with more appropriate landscaping will enhance the amenity of these houses and reduce overshadowing.
- Unlike the approved scheme it is proposed to provide two units at fourth floor level, situated towards the south east/front of the site thus maximising separation distances with Oak View properties. Area of the two units is less than the area of the roof garden previously permitted at this level.
- Separation distances exceed the Development Plan requirements.

6.5. Planning Authority Responses

6.5.1. Response to first party appeal:

- Total public open space requirement is 1,250 sq m.
- The site layout drawing submitted by way of additional information indicates a reduction in on-site public open space to 284 sq m (34 sq m to the north and 250 sq m to the south). The northern area is deficient in location and orientation, and the southern area is diminished by its proximity to car parking and the public road.
- On reviewing the site layout drawing, the usable open space is considered to be c. 220 sq m.
- The open space shortfall is therefore considered to be 1,030 sq m. This results in a required development contribution of €60,454.

6.5.2. Response to third party appeal:

- Height and scale of development is acceptable for a brownfield site adjacent to high capacity public transport.
- Issues in relation to overlooking have been addressed in revised designs under request for additional information.
- Proposed development provides a suitable separation distance between the proposed units and existing residential units.
- Adequate car parking is proposed.
- Transportation Planning Section has verbally reported that a Traffic Impact Assessment is not warranted.
- Proposed development complies with Guidelines for apartments and Development Plan. Density is appropriate for a brownfield site in an established urban area with a range of services in close proximity.
- Planning Authority requests that Conditions 21, 22 and 23 be included in any determination.

6.6. Observations

6.6.1. Thirteen third party observations were made. The issues raised were generally as per the appeal, as well as the following summarised issues:

- Former owner of the site cut back most of the trees bordering the entrance to Oak View and the houses that back onto the site. There is therefore little screening and proposed development will overlook and severely impact on the privacy on residents.
- Previous application Reg. Ref. F01A/1331 to construct a crèche was refused on residential amenity and traffic grounds. Proposal will result in the same issues.
- Overriding need is for family homes, not one and two bed apartments aimed at the rental market.
- Excessive height. Impact of increase in height towards single dwelling to the east which is on a larger site.
- Fire safety concerns.
- Inadequate car parking.
- Lack of consultation with Dublin City Council. Both Councils should be involved where development is close to boundaries in order to address visual impacts.
- Centra development was originally refused by the Board (PL06F.214539) as 10m high structure would result in excessive height, overdevelopment, overlooking, overshadowing etc.
- Overshadowing of rear gardens of Nos. 17 – 23.
- Noise and light pollution from balconies and open windows.
- Construction management and construction traffic management plans required.
- Impacts on residential amenity from car parking area.
- Impact on wildlife utilising appeal site. Need for landscaping.

- Proposal does not protect existing residential amenity and is therefore contrary to zoning objective.
- Inadequate sightlines.
- Replacement boundary wall to the northern boundary is required.
- Lack of footpath on western side of the development.
- DAA requests that condition 9 or similar be attached, should the Board be minded to grant permission (noise assessment and mitigation).

6.7. Further Responses

6.7.1. The applicant's response to the Planning Authority's response to the first party appeal can be summarised as follows:

- FCC is arbitrarily discounting 64 sq m of open space from their calculation without any basis for doing so in the statutory development plan.
- The function of open space varies from being passive/decorative space to active open space. The open space that softens the appearance of the car park and green divisions with adjoining properties should be included.
- It is not evident which open space the Planning Authority has omitted to the front of the scheme.
- The deduction appears to be intended to maximise the contribution from the applicant.
- Open space exceeds the minimum requirement and it is discretionary as to whether or not the Council attaches this levy. There is no absolute need to attach this levy, but in doing so the Council has incorrectly applied it.

7.0 Assessment

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

- Principle of Proposed Development.
- Design and Layout.

- Residential Amenity.
- Traffic and Car Parking.
- Development Contribution in Lieu of Public Open Space.
- Other Issues.
- Appropriate Assessment.

7.2. Principle of Proposed Development

- 7.2.1. The appeal site and surrounding area are zoned 'RS', Residential, under the Fingal Development Plan 2017-2023. This zoning objective seeks to provide for residential development and protect and improve residential amenity. The Development Plan also includes specific Policies and Objectives to encourage consolidation of development in Santry, as well as more general Objectives to support infill development and the provision of increased densities.
- 7.2.2. Since the proposed development seeks to provide infill residential development on residentially zoned lands, I therefore consider the proposed development to be acceptable in principle, subject to consideration of the potential impact on residential amenity and the other planning issues identified in Section 7.1 above.

7.3. Design and Layout

- 7.3.1. The urban form in the vicinity of the junction of the R132 and R104 is currently quite poorly defined. Coolock Lane (R104) is a major four lane road, which together with the wide grass verge and the similarly wide Old Coolock Lane results in an open vista with a lack of urban definition and enclosure which belies the inner suburban nature of the site. The appeal site is in an area that is well served by public transport, close to the motorway network and close to a Regional Park. Notwithstanding the presence of two storey residential development to the north of the appeal site, I therefore consider that it is a suitable location for increased density and height, and for buildings with a strong urban form.
- 7.3.2. In terms of quantitative standards, I consider that the proposed development, as amended, generally complies with all relevant requirements for unit size, room size, storage provision, unit mix, dual-aspect, private amenity space, floor-to-ceiling

heights, and core arrangement as set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018.

- 7.3.3. With regard to density, the proposed density equates to 112 units/ha. This can therefore be considered a high density proposal, with reference to the minimum net density of 50 units/ha for lands in public transport corridors, as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). While the proposed density is particularly high, I consider that, having regard to the limited extent of the appeal site, its context alongside a major Regional Road and its proximity to existing services and amenities, the density is appropriate for this brownfield location and that it will not unduly impact on the character of the area.
- 7.3.4. Similarly, with regard to building height, I consider that the proposed part-four and part-five storey building, with set-back top floors, is appropriate for the site context and provides a reasonably high quality urban design response to this poorly defined infill/brownfield site in an area which is identified in the Development Plan as being suitable for consolidation. There is existing three storey development to the west and south, and having regard to the site context, I consider that it is capable of accommodating a part-four, part-five storey building. In particular, I note that the five storey portion of the building is located at a greater set-back from the existing residential development to the north.
- 7.3.5. While I consider the design and layout of the proposed development, as amended, to be generally acceptable, a balance nevertheless needs to be struck between consolidation of development and protection of existing residential amenities. This is addressed further below.

7.4. Residential Amenity

- 7.4.1. With regard to the impact of the proposed development on residential amenity, I consider that the residential properties with the greatest potential to experience a significant adverse impact are those to the north of the appeal site in the development known as Oak View. Having regard to the site context, the orientation of the proposed development and separation distances, I do not consider that any

significant overlooking, overshadowing or overbearing impacts will arise in respect of other residential properties in the area.

- 7.4.2. Nos. 17 – 23 Oak View, a terrace of relatively small two storey houses are located directly to the north of the appeal site with their south-facing rear gardens extending to the boundary with the appeal site, although a number of the properties have a laneway separating them from the boundary with the appeal site. The rear gardens of the houses in Oak view are c. 7m long. A row of Leyland Cypress was located along the northern boundary of the appeal site, providing evergreen screening, however on the date of my site inspection I noted that all trees and hedging within the appeal site, with the exception of those along Old Coolock Lane had recently been felled/cleared.
- 7.4.3. Due to the offset design of the proposed apartment building, the four storey element of the building would have a minimum separation distance of c. 26m from the rear elevation of the Oak View houses, increasing to c. 36m for the five storey element.
- 7.4.4. With regard to overlooking and overbearing impacts, while the apartments on the northern side of the proposed apartment building will look towards the rear of the Oak View houses, the separation distances are significantly greater than the minimum standard of 22m between directly opposing rear first floor windows set out in Objective DMS28 of the Development Plan. While the Objective also states that in residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs, I am satisfied that having regard to the 26m – 36m separation distances, and the proposal to provide replacement perimeter planting, that the proposed development will not result in an undue degree of overlooking or an overbearing impact within the established and consolidating residential context of the area. Should the Board be minded to grant permission, I recommend that a condition be included requiring a landscaping plan to be submitted to the Planning Authority for agreement, including information on perimeter planting species and numbers.
- 7.4.5. With regard to overshadowing, I note that shadow analysis diagrams were submitted with the planning application, although they were not accompanied by a written assessment. The rear gardens of the houses in Oak View are short and as a result the combination of boundary walls, Leyland Cypress trees (now removed) and the

very mature trees within the adjoining site to the east, means that there is likely to be a significant degree of overshadowing currently within the rear gardens of these properties. While the proposed development is located to the south of Oak View, and is 4-5 storeys compared to two storeys for the Oak View houses, the separation distances combined with the set back upper floor and the staggered alignment of the proposed building are such that it will not result in a significant level of additional overshadowing in my opinion. From reviewing the shadow diagrams submitted, it appears that any additional overshadowing will be for short periods during the winter months when the sun is low in the sky. In conclusion, I do not consider that the proposed development will result in significant additional overshadowing.

- 7.4.6. In conclusion, I am satisfied that the proposed development, as amended on foot of the request for further information, will not have a significant detrimental impact on residential amenity in terms of overlooking, overshadowing, loss of privacy or an overbearing visual impact.

7.5. Traffic and Car Parking

- 7.5.1. The appeal and observations raise concerns in relation to the impact of the proposed development on traffic congestion in the area, and on traffic safety. It is also contended that the proposed level of car parking provision is inadequate.
- 7.5.2. The proposed car parking, while surface level, is well situated from an urban design perspective, with the majority of it located to the north (rear) of the proposed apartment building. I would agree with the Planning Authority's condition requiring a 1.8m high wall along the western boundary of the site at this location, which will ensure that the car parking area is not readily visible from the public realm and will not impact on the visual amenities of the area.
- 7.5.3. With regard to car parking provision, it is proposed to provide 36 car parking spaces. Table 12.8 of the Development Plan sets out the Planning Authority's car parking standards and would result in a requirement for 48 spaces, which would include 5 visitor spaces.
- 7.5.4. While there is an underprovision of 12 parking spaces when compared to Development Plan standards, I note that Section 4.21 of the recently published Sustainable Urban Housing Design Standards for New Apartments Guidelines for

Planning Authorities (2018) states that “In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard”. Section 4.27 states that “for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location”. On this basis, and noting that the appeal site is well-served by public transport, I am satisfied that the proposed car parking provision, while less than the standards set out in the Fingal Development Plan is adequate. I note that the Transportation Planning Section of the Planning Authority had no objection subject to condition, including a requirement to provide 2 spaces per 3 bedroom apartment and to reserve 4 spaces for visitor parking. I consider this condition to be reasonable and recommend that it be included, should the Board be minded to grant permission.

- 7.5.5. With regard to traffic congestion, the junction from Old Coolock Lane onto Coolock Lane is undoubtedly a busy junction at peak hours, due to the large number of houses served by this junction, the busy nature of the surrounding Regional Roads and the proximity of the M50 Motorway junction and Port Tunnel entrance. However, on the date of my site inspection there was no traffic congestion evident. While there are measures in place to control traffic, namely ‘yellow boxes’ on the road and traffic lights, it appears from the appeals and observations that non-compliance with these measures exacerbates the existing peak hour traffic congestion.
- 7.5.6. I note that Section 3.4.2 of the Design Manual for Urban Roads and Streets states that “national and regional transport policies and plans have recognised that it is not feasible or sustainable to accommodate continued demand for car use. In contrast, sustainable modes (walking, cycling and public transport) can cater for very high volumes of movement in a far more efficient manner. Policies and plans, therefore, promote sustainable modes of travel and acknowledge that, in the absence of demand management, a certain level of car congestion is inevitable.” In this instance, the appeal site is located close to the junction of two major Regional Roads in an inner suburban area that is very well served by both existing and planned public transport infrastructure. The applicant is proposing to provide less car parking

that would usually have been accepted by the Planning Authority in the past, and such an approach is consistent with the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2018). 36 car parking spaces are proposed, and I consider that the limited number of additional vehicle movements associated with the proposed development is unlikely to result in any significant additional traffic congestion beyond that which already appears to exist at peak hours. In my opinion, the existing level of congestion is a function of the area's location sandwiched between key Regional and National routes to all sides. Having regard to the location of the appeal site in a serviced area close to a good level of public transport, and noting that the level of car parking is reduced relative to Development Plan standards, I do not consider that the proposed development will result in any significant additional traffic congestion.

7.6. Development Contribution in Lieu of Open Space

- 7.6.1. The first party appeal is against condition 22, which imposed a financial contribution of €62,449 in lieu of 1,064 sq m of open space. The applicant contends that this levy was calculated from the 32 apartments for which permission was originally sought, rather than the 28 apartments granted permission, following a request for additional information. The applicant contends that the reduction in the number of units results in a requirement for 1,250 sq m of public open space and that when the 284 sq m of provided open space is removed, there is a shortfall of 966 sq m, rather than 1,064 sq m.
- 7.6.2. The Planning Authority consider that parts of the public open space provided is deficient in location and orientation, and that the usable open space is considered to be c. 220 sq m. The Planning Authority therefore contends that the revised open space shortfall is 1,030 sq m and that a development contribution of €60,454 is required. The applicant contends that the discounting of open space is arbitrary and not supported by the Development Plan.
- 7.6.3. The requirement for public open space is set out in Objectives DMS57 and DMS57B. Objective DMS57 results in a total requirement for 1,250 sq m. Objective DMS57B requires a minimum 10% of a proposed development site area be designated for use as public open space (which in this case equates to 250 sq m) and allows for a financial contribution in lieu of the remaining open space requirement. The applicant

contends that 284 sq m of public open space is provided on site, however I would concur with the Planning Authority that some of the public open space indicated on the site layout plan is seriously deficient from a qualitative perspective and cannot be considered to provide a useful amenity to residents. In particular, the area of 34 sq m in the north eastern corner of the car park does not comprise usable open space in my opinion. The areas of public open space along the southern boundary of the site are triangular, and again are of limited utility due to the tapering nature of the area, and the proximity of terraces serving apartment units. I consider the Planning Authority's estimation of usable open space of c. 220 sq m to be reasonable, and while this is less than 10% of the site area, I consider that it is adequate, having regard to the close proximity of the appeal site to the Santry Demesne Regional Park. In accordance with Objective DMS57B and the provisions of the Fingal Development Contribution Scheme 2016-2020, I therefore consider that the Planning Authority's revised development contribution of €60,454, based on a shortfall in open space provision of 1,030 sq m is applicable, and I recommend that the condition be amended accordingly.

7.7. Other Issues

7.7.1. Noise Mitigation

7.7.2. The appeal site is located within the Outer Airport Noise Zone. Objective DA07 of the Development Plan seeks to strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone.

7.7.3. An acoustic assessment was submitted on foot of the request for further information. This indicates that suitable noise mitigation can be incorporated into the development through specifications of glazing systems, ventilation etc. It recommends that a full investigation be carried out prior to commencement in order to identify the exact specifications that must be incorporated into the building fabric. The Planning Authority subsequently included condition 9, which requires a quantified noise assessment to be undertaken, with noise mitigation measures to be submitted to the Planning Authority for agreement, prior to commencement. The Dublin Airport Authority (daa) has made an observation on the appeal requesting that this condition, or similar, be included should the Board be minded to grant permission.

7.7.4. Having regard to the location of the appeal site within the Outer Noise Zone, I consider condition 9 to be reasonable in the interests of public health and providing a high level of residential amenity to future occupants of the apartments, and I recommend that it be included, should the Board be minded to grant permission.

7.8. **Appropriate Assessment**

7.8.1. The applicant submitted a stage 1 Appropriate Assessment Screening Report with the planning application. This concluded that no significant impacts are deemed likely to any Natura 200 sites or site-specific conservation objectives. The Planning Authority concurred with this conclusion and considered that a stage 2 Appropriate Assessment was not required.

7.8.2. The appeal site is a fully serviced and zoned suburban site, which is surrounded by existing residential and commercial development and which is not within or in close proximity to any Natura 2000 sites. The nearest such sites are at a considerable distance, and subject to standard good practice construction methods and having regard to nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest 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. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 **Reasons and Considerations**

9.1.1. Having regard to the scale, height, design and layout of the proposed development and the provisions of the Fingal Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not seriously injure the residential or visual amenities of the area or property in the vicinity and would be acceptable in terms of traffic impact. The

proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 1st day of November, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) A 2 metre high wall finished with natural stone to match the low boundary wall and railing shown on drawing number 17-006-PL(AI)-6.01 shall be provided on the western boundary in the vicinity of the car park, between the terrace of apartment number 2 and the northern boundary only.
 - (b) The proposed cyclepath and access road between the entrance and the car park shall be replaced with a shared surface which shall comply with the requirements of the planning authority for such works.
 - (c) The southern boundary of the site shall be set back to provide a 1.8 metre wide public footpath along Old Coolock Lane. The footpath shall continue across the vehicular entrance and shall be dished to the carriageway to ensure pedestrian priority.
 - (d) Each three bedroom units shall be designated 2 No. car parking spaces and all other units shall be designated 1 No. car parking space. The remaining 4 No. spaces shall be reserved for the use of visitors.

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 residential amenity and traffic safety.

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

Reason: In the interest of visual amenity.

4. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

5. The development shall incorporate noise mitigation measures to ensure that appropriate noise levels for habitable rooms are achieved and maintained, having regard to the location of the site within the Outer Airport Noise Zone. The required measures shall be determined by a quantified noise assessment of the site which shall be carried out by an appropriately qualified and experienced professional at the expense of the developer. Full details of the assessment and the proposed noise mitigation measures/construction materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public health.

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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. Lighting shall be provided in the car park area and along the access road in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment and shall be designed to avoid light pollution on neighbouring properties.

Reason: In the interests of amenity and public safety.

9. Proposals for building names and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all building signs, shall be provided in accordance with the agreed scheme. No advertisements/marketing signs relating to the name of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

10. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, construction traffic management, pollution prevention measures, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

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

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

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

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

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

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an

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

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

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

Reason: To ensure the satisfactory completion of the development.

16. 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.

17. The developer shall pay to the planning authority a financial contribution of €60,454 in lieu of the shortfall of 1,030 sq m of public open space that arises based on the provisions of Objectives DMS57 and Objective DMS57B of the Development Plan and in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Niall Haverty
Planning Inspector

1st May 2018