



An
Bord
Pleanála

Inspector's Report

ABP-304404-19

Development	Mixed use residential and office development consisting of 22 apartments and offices
Location	Glenmalure, Castleknock Road, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW18A/0173
Applicants	Castleshore Investments Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellants	Castleshore Investments Ltd.
Observers	Simon O'Neill Carmel O'Sullivan Olive Finucane & Eric Dwyer Matt Carroll Cllr John Walsh & Joan Burton TD Board of Management Castleknock National School Castleknock Park Residents Assoc.
Dates of Site Inspections	14 th & 16 th August 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in Castleknock village centre at Castleknock Road, Castleknock, Dublin 15. The site can be described as comprising two parts: a long access driveway / lane and the main part at the end of the lane.
- 1.1.2. To the south of the entrance there are semi detached and detached two storey red brick houses in various uses with only the nearest being a residence. An entrance between two of the blocks provides access to parking to the rear of combined properties. Further south there are two commercial complexes extending in depth from the road. The nearest is a recent development which includes a Lidl store. The other, Castleknock Village Centre, which is longer established, includes a filling station at the front and an L shaped building with a number of shops and other businesses. Myos public house and restaurant, at the junction of College Road and Castleknock Road, is opposite of the Lidl development. Opposite the subject site on Castleknock Road, St Brigid's Church of Ireland Church (a protected structure) occupies a large site and is an historic building (sites and monuments record DU017-802) surrounded by a graveyard. North of the site there is a detached dwelling and further north schools and community buildings.
- 1.1.3. The main part of the site is square shaped and set well behind the road frontage accessed by a long narrow laneway which serves this site alone. The southern boundary of the lane and main site form a straight east west line. At the end of the c 100m lane the site widens, extending northwards. The site is currently occupied by a detached two storey dwelling named Glenmalure.
- 1.1.4. The site is to the east of the road where the road is bounded by two storey dwellings along the footpath to the south and a detached dwelling set back within its own grounds to the north.
- 1.1.5. The roadside boundary immediately adjoining the driveway, for a short distance to the south, comprises a rubble wall well forward of the front of the dwellings to the south. The footpath is wider to the south of this point.
- 1.1.6. The roadside boundary to the north is a plastered stone roadside (retaining) boundary wall of the dwelling to the north.

- 1.1.7. The laneway access is bounded to the south by the very long narrow garden of the immediately adjoining residence, and a small rectangular parcel of land, surfaced in broken stone laid recently. This enclosed parcel, said to belong to the Church of Ireland, is more than half a metre higher than the laneway. The north the laneway it is bounded by an unplastered block wall which forms the boundary to the garden of the detached house. That garden, which rises from the road, is at approximately the same level as the laneway. A low plastered block wall with a palisade fence above, which encloses the playground of the Castleknock National School, forms part of the northern laneway boundary. The laneway is wider where it bounds the dwelling and narrows at the school property. There is little vegetation along the northern boundary of the laneway. The southern boundary comprises a hedge and a mature sycamore tree. The level of the laneway is below the ground level of the adjoining lands to the south. Where the laneway passes the rectangular shingle surfaced portion it is wider; otherwise the southern boundary of the laneway is generally a straight line.
- 1.1.8. The main part of the site is bounded to the south by the Lidl site. To the east site it is bounded by dwellings in Castleknock Park and a green in that development, from which it is separated by a fence and tree lined boundary: Ielandii within the subject site and Lombardy Poplars in Castleknock Park green. To the north the site bounds the playground of the St Brigids Mixed National School, which is part of a complex of buildings at the Our Lady Mother of the Church parish centre including a car park accessed from Beechpark Lawn to the north and Castleknock Park to the west. To the east the site bounds Castleknock National School.
- 1.1.9. The site is currently overgrown and the house is disused.
- 1.1.10. Part of the site at the roadside and lane is part of the architectural conservation area of Castleknock village. The buildings to the south are protected structures.
- 1.1.11. The site is given as 0.35 hectares.

2.0 Proposed Development

- 2.1.1. The proposed development is the erection of a mixed use residential and office development consisting of 22 apartments, 4 at third floor, 7 at second floor, 8 at first floor and 3 apartments and an office (283m²) at ground floor. Apartments are served by continuous balconies / sunrooms. There are balconies which have a glazed

guarding and also glazed screen at higher level. There are 25 car parking spaces to the rear, and 1 accessible space at the entrance, and 22 enclosed secure bicycle spaces. A communal roof terrace is accessed off the common core lift and stairs. Open space wraps around the west and north elevations of the building and is separated from the surface parking behind the building. The building has a set back at third floor with an external roof terrace at the north west corner. It appears as 2 interlocking blocks, one of 3 and one of 4 storeys. The parapet height is 15.37m above the site entrance level and 11.925m above the proposed ground level. Car parking is proposed to the east of the building via an under pass within the ground floor of the building, along the southern boundary. The building footprint is given as 817m² in area.

2.1.2. The description of the development includes:

- The stone wall south of the access is to be removed and adapted and that to the north removed to create a wider void. To ensure visibility splays and manoeuvring space meets DMURs standards. The lane rises from the road and the gradient needs to be reduced, with implications for the mature sycamore.
- The lane will carry underground services, with implications for the mature sycamore.
- The single car width requires cars entering and exiting to wait for oncoming cars, using a stop and wait solution.
- The existing laneway is unappealing. The high steel fencing along the length of the school playground has an industrial look. This will be treated on the applicant's side. There will be appropriate lighting and surface treatment.
- The proposed development has used the ridge height of the LIDL development to its south to act as a benchmark for the highest ridge point in the development.

2.1.3. The application was accompanied by detailed drawings, photomontages together with:

- Site Specific Flood Risk Assessment
- Outdoor Lighting Report
- Construction & Demolition Waste Management Plan

- Archaeological Assessment
- Building Life Cycle Report
- Tree Protection Strategy
- Arboricultural Impact Report
- Arboricultural Assessment
- Transport Statement
- Engineering Services Report
- Landscape Architects Design Statement.

2.1.4. The total floor area is given as 2,607m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided (9th April 2019) to refuse permission for two reasons:

1 Taking account of constraints arising from the length, alignment, treatment of boundaries and deficiency of overlooking of the sole, shared narrow access to the site, the proposed development is considered to be substandard with regard to providing a safe and comfortable environment for future users and is therefore contrary to Section 4.22 of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009). The proposed access arrangements fail to suitably advocate for the quality of the pedestrian environment and create permeability and legibility for all users. This would be at variance with Objective Castleknock 4 of the Fingal Development Plan 2017-2023 which seeks to improve facilities for pedestrians and cyclists.

2 By virtue of the constraints imposed on the proposed development by the entrance to the site, it is considered that it is not a sensitive infill, does not enhance the village facilities and amenities and would therefore contravene materially Objective Castleknock 2 and the Local Centre land use zoning objective as contained in the

Fingal Development Plan 2017-2023, the proposed development would also if permitted set a poor precedent for the future development of the area.

3.1.2. The decision was in accordance with the planning recommendation.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.1. There are two planning report on the file.

The first, which recommends a further information request, includes:

- Zoning TC Town and District Centres
- Objectives Castleknock 2, SS16, PM41, CH20, CH32.
- Acceptable in principle.
- Notwithstanding the objective - Castleknock 2 – which sets a maximum height of 3 storeys, the proposal has been designed to remain below the ridge height of the recently constructed Lidl development. SPPR3 of the Urban Development Building Heights Guidelines for Planning Authorities, December 2018, justification has not been made. No urban design statement as described in section 2.9 of the guidelines has been submitted to address aspects of the impact on the historic built environment.
- Density at just over 60 units per ha is consistent with aspiraton of policy.
- Layout and design – generally acceptable and reacts well to the constraints of the site. Access suboptimal. The narrow laneway is approx. 95m in length and, although not entirely clear, it appears that the boundary treatments are to be 2m in height creating a canyon effect, with issues of security and lack of overlooking / passive surveillance.
 - Vehicle stacking system may give rise to operational concerns.
 - Laneway is unlikely to be successful as a vehicular and pedestrian entrance.

- Further consideration should be given to alternatives to the access proposed.
- Cross sections, including adjacent housing to the east and west and school yard and buildings to the north and east of the buildings, required.
- Overlooking – offsetting of windows. Distance between first floor windows exceed minimum. Overlooking of the school is not a material consideration. It is not uncommon in urban areas.
- Overbearing – design substantially addresses the risk. The interlinking blocks result in no individual façade being of excessive bulk or mass.
- Overshadowing – no analysis provided, required.
- Room sizes – comply with development plan.
- Open space – private provided as balconies, these exceed minimum standards. A mix of semi private / communal has been proposed but not quantified. It is stated that 161sqm is required and 274 sq m is provided but the location is not shown. Insufficient detail. It is stated that 817 sq m of open space is provided but location and nature of the areas is not shown.
- Trees & landscaping – the impact of development may be detrimental on a number of trees, protection of large sycamore to the south of the laneway is of importance. Deficiencies re. protection of trees. Details of proposed boundary treatment are deficient. An eastern boundary to match Lidl appropriate.
- ACA – entrance and laneway within ACA. The wall to the south forms an essential element of the built character on approach to the village. That to the south is part of a protected structure. Design of replacement will be critical, as proposed unacceptable.
- Insufficient information to assess visual impact on ACA and boundary of protected structure
- AA – no issues.
- Further information on 7 points:

3.2.2. Other Technical Reports

3.2.3. Water Services Department – conditions:

3.2.4. EHO – which includes:

- The office space shall not be used as a gymnasium.
- No heavy construction equipment/machinery shall be operated on or adjacent before 8am or after 7pm Monday to Friday and before 8am or after 1pm on Saturdays. None on Sundays or Bank Holidays
- Compliance with BS 5228.
- Containment of dust.
- Noise not to exceed the background level by 10dBA or more or NG4 limits.
- No emissions of malodours, etc.

3.2.5. Planning & Strategic Infrastructure Department, Community Archaeologist, which includes: conditions.

3.2.6. Architects Department - which includes:

- The building envelope appear in View 8 of the architectural visualisations as predominantly finished in buff finish brick with considered perforated brick screens in conjunction with what appears as timber louvre fins & flashings to elevations to match. These finishes are both suitable and sensitive to the site context, adding both texture to the design and privacy and shading to the associated balcony areas.
- The proposed elevations indicate powder coated aluminium fins and powder coated pressed metal flashings to these area. The design concern would be that the proposed aluminium fins in place of timber would result in an architectural language more appropriate to a commercial building and would not be in keeping with the site context and the nature of the proposed building use.
- The proposed elevations indicate perforated screen to areas which appear as perforated buff brick screens in visualisations. Careful consideration of the proposed finishes is warranted given that the architectural language of the proposal boasts a simple, modern idiom, further highlighting the material selection.
- The proposed development site is restricted in terms of vehicular access. It should be further examined as to how the site configuration would comply with a fire

strategy, in particular with regard to fire appliance access, minimum width of access road between kerbs and minimum turning circle requirements.

- Acceptable with regards to architectural standards and quality.

3.2.7. Conservation Officer, which includes:

- The entrance and avenue is within the boundary of the Architectural Conservation Area for Castleknock and immediately adjacent to protected structure 771. The construction includes the demolition of a portion of a distinctive random rubble boundary wall with vertical stone capping.
- Concerned re:
 - The design of the vehicular entrance which adjoins protected structure RPS no 77 – no 4 Castleknock Road.
 - The boundary treatment of the side garden of protected structure RPS No 771, No 4 Castleknock Road
 - The potential loss of the mature tree which frames views and contributes to the setting of the protected structure RPS no 771, no 4 Castleknock Road and also the ACA.
 - The impact of construction traffic using the narrow access on the adjoining protected structure RPS no 771, no 4 Castleknock Road and the mature tree.
- Further information.

3.2.8. Transportation Planning Section, which includes:

The proposed development is located in a 50km/hr speed limit on the Castleknock Road c 100m north of the Castleknock / College Road junction.

Parking – Chapter 12, Development Management Standards of the CPD sets out maximum car parking standards for different land-use types, the standards are maximum for commercial developments so as to limit car borne commuting and norms for residential developments.

While the Transportation Planning Section is normally reluctant to allow any reduction in residential parking provision from the norms in the Development Plan, in this case the development is in Zone 1 which would allow a reduction in parking, i.e.

proximity of the Castleknock train station and bus services which may favour a reduction in the proposed quantum of car parking spaces. It should be clear that a minimum of 1 space per 1 and 2 bed units should be provided and all 3 bed units should have 2 designated parking spaces.

Based on one space per unit, (the Design Standards for New Apartments guidelines), the proposal provides 32% less parking overall than the Development Management Standards, a deficit of 12 spaces.

The building life cycle report refers to 4 car shared spaces. It is unclear how this is to be accommodated.

The report sets out in tabular form the estimate of parking required: 38 residential and 9 for the offices; proposed 26 residential and 4 for the offices. It is noted that the commercial parking would facilitate visitor parking for residential units due to the mixed use and availability in the evenings. A reduction in office parking could be considered. Depending on the type of office visitor parking for the offices could be required.

An office development that would generate all day commercial traffic would not be considered favourably given the shared nature of the access road.

Cycle parking for 27 spaces per Development Plan and 57 per Design Standards for New Apartments guidelines. Sufficient cycle parking not provided. A minimum of two adult bicycles and associated equipment per unit within individually secured storage areas within the cycle storage building, is required. The Transportation Planning Section, has concerns regarding the security and usability of the proposed cycle parking layout.

Sightline & Access – required 2.4m x 49m (reduced SSD standards for urban roads and streets (DMRB)); 2m and 2.4m setbacks shown. The proposed setting back of the wall to the north would be adequate to provide access for vehicles but the northern boundary wall would impact on the required visibility envelope. The proposed access would be considered a traffic hazard; revision required.

Internal Layout – a bin transfer area is to be located close to the access to the Castleknock Road. The bin storage for apartments would normally be large bins and

it is not acceptable to have to push bins over 100m. n auto turn analysis for a refuse vehicle has not been provided.

The proposed shuttle system would not be unusual. There would be a stacking area for c5-6 vehicles inbound which would provide adequate space to prevent cars entering the site from blocking the main road. However the length of the shuttle area is c70m. This is too long a distance to have an uncontrolled shuttle operation. As the distance a vehicle would have to reverse in the event of meeting another vehicle would not be acceptable especially in a shared space environment. The details and proposals for a controlled traffic light system that gives priority to traffic entering the site should be provided within the development site. Clarification is required that a 3.2m width can be achieved over the length of the shuttle and details of a buffer strip on the southern boundary.

The applicant has provided details on how a fire tender would access the rear of the site. The height of the under-croft access point appears to be 3.6m. The height of a fire tender service, shown for the swepth path analysis, is 3.512m.

3.2.9. Parks Division, (received by e-mail) which includes:

Public Open Space – 0.09ha required. Although details are unclear the proposed open spaces are not considered public open space.

Existing Trees – no information on trees directly outside the boundary. Revised Arboricultural Report required on this and the Lenandii hedge.

Proposed tree planting – further details required.

Boundary Treatment along eastern boundary as per Lidl.

Invited to liaise.

3.3. Further information

3.3.1. A further information request on 7 points issued 23rd January 2019:

- ACA – architectural character impact.
- Cross section.
- Shadow analysis.
- Height justification

- Transportation – list per Transportation Planning Section including-sightlines to demonstrate compliance with DMURS required. Operation of the lane and use of bin transfer area. Car parking – quantity inadequate, bicycle parking inadequate.
- Parks and green infrastructure.
 - Provide the area (in square metres) of Communal Open Space in plan format. This should include areas for emergency vehicles, bicycle storage areas and areas using vehicular access and environmental open space.
 - Provide a revised Arboricultural Report including an Arboricultural Impact Statement to include all trees which may be directly and indirectly impacted by the proposed development i.e. outside the development site.
 - Re. proposal to remove Leyland cypress hedges, full details of replacement planting is requested to compensate for the loss.
 - The applicant is requested to submit details of additional proposed tree planting along the boundaries.
 - A timber fence is not acceptable as a boundary between the existing public open space along the eastern boundary of this site. Revised proposals matching the plinth wall and railing, as conditioned in the adjoining Lidl site, requested with consideration to protection of tree roots by means of bridging.
 - Re. large Sycamore a specific protection plan is required. Further site specific assessment/estimation is required of the extent of the roots, and measures to protect the roots from damage by compaction by construction traffic in accordance with BS 5837:2012.
 - Invited to liaise.
- Re. Third party objections.
- Consult.

3.3.2. A response to the further information request received 13th March 2019 includes:

- Architectural Character Impact Assessment
- Shadow Assessment Impact Neighbours
- Development Daylight Assessment

- Additional Information Response report
- Landscape Architects Response
- Arboricultural Response, Arboricultural Assessment and Arboricultural Impact Report, which includes that the large Sycamore to the south of the entrance laneway was examined and with large structural roots and finer roots in close proximity to the edge of the tarmac, where regrading is required, tree to be removed.
- Revised and additional drawings.

3.4. Further Reports

3.4.1. The second planning report which recommends refusal, includes:

- The impact on the character of the ACA is considered to be negligible and not inconsistent with the objectives of the development plan. The significance of impacts outside the ACA is on the lower end of the spectrum but will be most acute from the perspective of both schools and the community centre.
- A number of cross section demonstrating height are provided. Having regard to distance from sensitive receptors, considered acceptable.
- Shadow analysis – absence of impact accepted.
- Height justification shows development is consistent with ministerial guidelines.
- Transportation – further details justifying deficiencies submitted. No alternative exists. The submission states that the access shared shuttle will be overlooked, and benefits from the necessary security; and refers to 4.3.4 of DMURS. The provision of improved permeability and connectivity between backland sites is considered to be an important element in ensuring that infill development is compliant with the development objectives for Castleknock as set out in the development plan. The Transportation Section report sets out a number of concerns with the submitted response, further highlighting the constraints imposed on the site by the access arrangements. The report of the Transportation Section sets out a number of conditions. The distance from the public road to the windows which overlook the laneway is over 110m and the horizontal alignment of the lane restricts views from the street. Pedestrian facilities should be designed for the most vulnerable pedestrians and should therefore be assessed with the most vulnerable user in mind.

It is considered that the sole access cannot be considered to be a quality pedestrian environment and will not engender a sense of safety, security and comfort for pedestrian users. The lighting and overlooking is an inadequate response.

Shortcomings in the proposed access arrangements include a lack of suitable space afforded to pedestrians and cyclists together with the creation of an elongated, inactive street frontage, resulting in an uninviting link between the application site and the wider town. In doing so, arguably it may have the unintended consequence of encouraging car use over more sustainable travel patterns that might otherwise be expected. The lighting is to be mounted on fencing which is undesirable.

3.4.2. Conservation officer, which includes:

- It is not feasible to retain the mature sycamore while facilitating development. In light of the foregoing the Architectural Character Impact Assessment, submitted does not give a full appraisal of the impact on the protected structures specifically No. 4 Castleknock Road. A bin transfer area is located directly adjacent to No. 4 Castleknock Road. Its boundary to the laneway is to be an extensive length of fencing and the removal of existing vegetation/trees has not been considered in the impact assessment. The boundary requires more sensitive design to reduce the level of exposure of the rear of No. 4 Castleknock Road. Timber fencing is not an appropriate treatment for the public open space, yet almost 100m is proposed along the boundary with No. 4 Castleknock Road.
- The new stone boundary wall should be a limestone wall and capping detail should match that of the existing boundary wall of upright /standing stones.

3.4.3. Transportation Planning Section, which includes:

- Some concerns of Transportation Planning Section re. operation /function of the lane as a shared surface have been addressed.
- Concerns remain re. length of proposed shuttle section. The treatment of the surface in terms of materials to provide a sense of place and ensure the safety and priority of pedestrians is critical. It is important that the proposed boundary treatments do not create a tunnel like environment. The available width should be maximised and verge trees on the southern edge removed. Surface material changes along the total length of the access/ shared space road should be

implemented to further enforce low vehicle speeds and designed in such a way as to prioritise pedestrians. Revised design required. The access has room to stack 6 inbound vehicles, however to ensure that priority is always maintained for inbound, a signalised traffic control shall be implemented.

- The 85% speeds of 45km/h southbound and 46km/h northbound, from survey, adequate visibility per DMRB. Provision of parking spaces is acceptable, additional are proposed. A tailored mobility management plan will be provided. EV parking should be provided for at least for two parking spaces, all parking spaces to have the infrastructure in place to enable future provision. Designation of parking spaces acceptable.
- A minimum pinch width of 3.2m. The shared surface should be maximised over the full length of the shuttle section.
- Crossover of footpath is acceptable. Exact details and materials of crossover to be agreed.
- Cycle parking solution acceptable.
- The Thornton's Recycling details of refuse collection solution is acceptable.
- The applicant has demonstrated that fire tender access to the development is achievable.
- Conditions recommended -
 - Details to be agreed:
 - shared surface should be maximised
 - shared surface changes along shared space one way road to further enforce low vehicle speeds
 - shared surface designed in such a way as to prioritise pedestrians
 - signalised shuttle system
 - construction management plan and traffic management plan.
 - low level landscaped area to east of the access to be set back by 200mm to provide a 2.4m wide footpath across the entrance.

- Two EV parking spaces to be provided and all parking spaces to have the infrastructure in place to enable future provision.
- A tailored resident's mobility management plan will be provided.
- Details of the provision of the yellow box at the entrance on the Castleknock Road to be agreed.
- The shared surface will not be taken in charge.

3.4.4. Parks Division

- The open space provided within this development is not considered Public Open Space as it is part of the immediate curtilage of the proposed apartment complex and it is not easily accessible to the general public for their use.
- The minimum unit size of open space acceptable for Public Open Space is 500 sq m. The applicant indicates an area of 141 sqm dwg no. HDC-MCA-00-ZZ-SK-A-003 . this is considered Environmental OS which functions as a buffer zone between this site and the adjoining residential development; not considered usable for childrens' play, narrow with parking alongside which would impact on passive supervision.
- A second area of 667 sq m is considered communal open space. The accessible car parking space and entrance to the apartments should not be included as communal open space. A contribution in lieu of provision should be required for Public Open Space.
- Existing trees – arborists report is acceptable.
- Tree protection to ensure the protection of trees to be retained. All works on trees to proper arboricultural techniques conforming to BS3998:2010 Tree works – recommendations.
- Tree bond of €35,000. To include for the street tree to the north of the entrance.
- Boundary treatment – the proposed fencing and additional planting along the eastern boundary of the adjoining public open space is acceptable in principle as it will facilitate the retention of existing trees. The proposed railing to be conditioned to be 2m high 20mm diameter solid bar, galvanised and powdered coated black railing.

- Proposed tree planting along boundaries – some proposed less than 1m from the boundary. Further consideration required. Condition – trees in grass margins of less than 2 metre width shall be planted in constructed tree pits of a minimum rooting volume of 12 cubic metres.

3.5. **Prescribed Bodies**

- 3.5.1. Irish Water – conditions.

3.6. **Third Party Observations**

- 3.6.1. Observations on the file have been read and noted.

4.0 **Planning History**

None for given this site. Pre planning meeting 17/07/18.

To the south:

PL 06F.247458 PA Reg Ref FW16A/0006 Lidl – mixed use gross floor area 4896 sqm comprising 3 separate blocks arranged around a new street and public spaces, on a site with a stated area of 0.8318 hectares, granted.

FW17A/0215 Lidl - revisions/modifications to that permitted under PL 06F.247458 PA Reg Ref FW16A/0006, granted.

PL 06F.234670 PA Reg Ref W09A/0087 Mixed use development on a site of 0.9348ha consisting of kiosk adjoining post office, 47 no. apartments, retail/commercial units, medical centre, parking spaces and all associated works at Castleknock village, granted.

FW11A/0025 alterations to that permitted under PL 06F.234670 PA Reg Ref W09A/0087, granted.

PL 06F.243715 PA Reg Ref FW14A/0065 Mixed use retail/commercial development with a total gross floor area of 3,752.5 square metres and comprising three separate blocks arranged around a new street and public space; on a site with a stated area of 0.8318 hectares, refused for 4 reasons:

1 'TC' zoning. Having regard to the level of permitted development on the site, to the level of development proposed and to the location of this prominent undeveloped serviced site within the centre of Castleknock Village, in close proximity to public transport and public amenities, the proposed development suffers from a lack of critical mass in the provision of services, would represent the underutilisation and inefficient use of scarce, serviced and zoned lands.

2 Architectural Conservation Area (ACA) - would be visually obtrusive when viewed in the context of the existing streetscape.

3. Objectives to 'Improve the physical and environmental character of Castleknock through sensitive infill development that enhances village facilities and amenities, and to implement the urban Centre Strategy for Castleknock'; and an objective of the Castleknock Urban Centre Strategy 2008 to develop in an integrated manner the backland area to the north of Castleknock Road and to thereby intensify development in the existing village core. Development should be formatted with commercial activities at ground floor level providing active frontages and residential development on the upper floors. The mix of daytime only uses proposed which excludes the provision of any residential development would be contrary to the Strategy and would result in an unsatisfactory mix/intensity of uses representing an inefficient and unsustainable use of this nodal site.

4 Substandard layout, design, form, public space and streetscape, which would constitute an inappropriate urban design response to the site.

To the north – school

FW09A/0193 construction of a new three storey building accommodating teaching and school administrative accommodation with a single storey link to the existing school, new sports hall etc; granted. The three storey element has a ridge height of c 14.5m above ground level with 3m storeys and a pitched roof.

5.0 Policy Context

5.1. Development Plan

Fingal County Development Plan 2017-2023 is the operative plan, relevant provisions include:

The site is zoned TC: town and district centre.

Objective: Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.

Vision: Maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic. In order to deliver this vision and to provide a framework for sustainable development, Urban Centre Strategies will be prepared for centres in accordance with the Urban Fingal Chapter objectives.

There are a number of settlements across the County which have their own distinct character and sense of place but given their location in close proximity to Dublin City, respectively form consolidation areas within the gateway. These areas include Baldoyle, Castleknock, Clonsilla, Howth, Mulhuddart, Portmarnock, Sutton, and parts of the city suburbs located close to the M50 motorway.

The policy approach in these areas will be to gain maximum benefit from existing transport, social, and community infrastructure through the continued consolidation of the city and its suburbs. Future development will happen in a planned and efficient manner utilising opportunities to achieve increased densities where appropriate.

Objective Castleknock 1 Prepare an Urban Framework Plan for Castleknock to guide and inform future development, to include measures to improve and promote the

public realm of the village, but which at all times respects the historic nature of the village.

Objective Castleknock 2 Improve the physical and environmental character of Castleknock through sensitive infill development that enhances village facilities and amenities. Development in Castleknock Village will be of a height and density appropriate to a village setting and in keeping with existing housing in the core Castleknock Village and to a maximum of three storeys in height.

Objective Castleknock 4: Improve facilities for pedestrians and cyclists in the village, including the promotion and facilitation of pedestrian movement to and from back-land sites to the rear of the Ashleigh and Castleknock shopping centres whilst maintaining the integrity and privacy of existing residential developments.

Objective Castleknock 5 - Encourage the sensitive redevelopment of key sites within Castleknock Village for mixed use which includes an appropriate residential component to enhance the viability and vitality of the village.

Objective Castleknock 7: Prevent access to/from the retail face of Castleknock Road to Castleknock Park.

Objective SS15 - Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.

Objective SS16 - Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

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

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

An Architectural Conservation Area (ACA) is a place, area, group of structures or townscape that is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or value, or contributes to the appreciation of Protected Structures.

Objective CH32 - Avoid the removal of structures and distinctive elements (such as boundary treatments, street furniture, paving and landscaping) that positively contribute to the character of an Architectural Conservation Area.

Other Residential Development Infill, Corner and Backland Sites -The development of underutilised infill, corner and backland sites in existing residential areas is generally encouraged. A balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be considered for this type of development.

Objective PM44 - Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

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

Provide sufficient quantities of open space and recreational facilities. For all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population. In general this shall be provided at a ratio of 75% class 1 and 25% Class 2.

Objective PM52 - 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.

Objective PM53 - Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.

Fingal encourages a mix of residential, social, commercial and community uses in communities in order to enhance their vitality and viability. Residential uses in some

of our town and village centres is somewhat limited. It is desirable to maintain an element of residential use in or close to town centres as it provides night time activity.

Objective DMS32 Prohibit proposals that would create a gated community for any new residential developments.

5.2. Development Contribution Scheme

The Fingal County Council Development Contribution Scheme 2016 -2020 (under Section 48, Planning and Development Act, 2000, as amended), includes:

The Fingal Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. This contribution in lieu of open space will be levied at the following rates;

1. Class I Open Space - €100,000 per acre to purchase land based on the value of amenity land, plus €100,000 per acre for development costs.
2. Class II Open Space - €250,000 per acre to purchase land in residential areas, plus €100,000 per acre for development costs.

These rates may be reviewed by the Council from time to time having regard to market conditions. The contributions collected will be used for the provision of open spaces, recreational and community facilities and amenities and landscaping works – see Appendix 2.

5.3. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, March 2018.

The guidelines are intended to assist in the move towards a much greater level of apartment living, essential in ensuring our major urban areas develop sustainably rather than sprawling inexorably outwards.

The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.

In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.

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 reduced overall car parking.

For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired.

The provision of reasonable levels of natural light in new apartment developments is an important planning consideration as it contributes to the liveability and amenity enjoyed by residents.

A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines.

Communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block.

5.4. National Planning Framework - Ireland 2040 - Our Plan

The Government's draft long-term strategic planning framework will guide national, regional and local planning and investment decisions over the next 25 years.

In relation to housing it states that well designed and located higher density housing will assist fast-growing urban areas to achieve much needed scale, medium-sized

urban areas to find a route to quality in a new competitive framework, all urban areas to increase vibrancy and vitality, and increased efficiency and sustainability in the use of energy and public infrastructure.

5.5. Urban Development Building Heights Guidelines for Planning Authorities, December 2018

The guidelines are intended to break the current development patterns for our cities and towns and create more compact and integrated communities; and to put into practice key National Policy Objectives contained in the Framework to secure better and more compact forms of future development. They refer to consolidation and densification in meeting our accommodation needs into the future.

Planning authorities should apply wider and strategic policy considerations and a more performance criteria driven approach alongside their statutory development plans in securing the strategic outcomes of the National Planning Framework.

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

They provide criteria for assessment at the scale of the site/building:

- The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
- Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to

local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

Where the relevant planning authority or An Bord Pleanála considers that such criteria are appropriately incorporated into development proposals, the relevant authority shall apply the Strategic Planning Policy Requirement, SPPR 3 under Section 28 (1C) of the Planning and Development Act 2000 (as amended).

SPPR3

It is a specific planning policy requirement that where;

1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.

5.6. **Castleknock Urban Centre Strategy, 2008**

- 5.6.1. This document offers guidance to be used by the Planning Authority in project development and assessment. It sets out the objectives and policies of Fingal County Council to guide the delivery of land use planning, infrastructure and urban design in the shape envisaged for Castleknock Village.

The main objectives of the strategy are:

- Consolidate Castleknock as a strong urban centre for the locality.
- Improve the physical environment of the Village
- Regenerate the village through the development of the backland area to the rear of the existing shopping centres.
- Enhance the pedestrian routes of the Village and require new development to create new linkages and routes.

- Provide a mix of uses in new development to create vibrancy and activity in the Village.
- Ensure that a strong village streetscape is created to strengthen the character of the Village.
- Manage the Castleknock Road as a traffic corridor.

It identifies an area with the potential to allow a core or centre of the village to be created and to integrate with adjoining existing development.

Development should be formatted with commercial activities at ground floor level providing active frontages and residential development on the upper floors.

This core area can be connected with the existing shopping centres via pedestrian movements. A network of streets in Castleknock can be formed and a proper village environment created. New buildings can be two-storey rising up to four storeys within the site away from sensitive boundary areas.

Central to the vitality of any urban centre is its network of pedestrian paths and routes. It is a primary objective of the strategy to achieve a network of high quality, attractive and clutter free spaces.

Objective CLK 6 is referred to: New development shall provide attractive and legible streetscapes with active frontages which shall integrate with adjoining development to create a network of pedestrian movement routes that are secure and attractive.

5.7. **Building for Everyone: A Universal Design Approach**

This is a suite of guidelines from the Centre for Excellence in Universal Design, of the National Disability Authority, which provide guidance on how to design, build and manage buildings and spaces so that they can be readily accessed and used by everyone, regardless of age, size, ability or disability.

5.8. **Natural Heritage Designations**

- 5.8.1. The nearest Natura sites are South Dublin Bay and River Tolka SPA (site code 004024) located c 7.5 km to the east, and Rye Water Valley / Cartron SAC (site code 001398) located in excess of 7km to the west, straight line distance, from the subject site.

5.9. EIA Screening

- 5.9.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal against the planning authority's decision has been submitted by Tony Bamford Planning, on behalf of the first party. The issues raised include:

- Quoting Reason No 1

Taking account of constraints arising from the length, alignment, treatment of boundaries and deficiency of overlooking of the sole, shared narrow access to the site, the proposed development is considered to be substandard with regard to providing a safe and comfortable environment for future users and is therefore contrary to Section 4.22 of the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009). The proposed access arrangements fail to suitably advocate for the quality of the pedestrian environment and create permeability and legibility for all users. This would be at variance with Objective Castleknock 4 of the Fingal Development Plan 2017-2023 which seeks to improve facilities for pedestrians and cyclists.

- Safety of access roadway:
- Overlooking – a minimum of 6 apartments have views west along the laneway at all times; apts 3 & 4 on the first, second and third floors have views west along the laneway from their kitchen / living areas and private balconies.
- Overlooking of roadway along Church of Ireland school section (north of roadway) due to horizontal timber boards with gaps between each board allowing visibility onto laneway.

- Overlooking of laneway from entrance off Castleknock Road.
- Removal of Sycamore tree adds greater overlooking from the listed houses along Castleknock Road.
- Alignment of roadway –
 - Roadway is straight with no bends which allows clear line of sight in both directions.
- Treatment of boundaries –
 - The Parks department requested a robust, brick faced boundary along the southern boundary of the roadway.
 - The northern boundary allows visibility / overlooking.
- Length of roadway –
 - The length which allows one car is 65m, not excessive given backland nature. Other examples in Castleknock include the Clovers, a similar and successful access route.
 - The entrance from Castleknock Road allows two cars to access plus a shared surface pedestrian footpath. This arrangement operates for the first 40m; there is no deficiency for cars or pedestrians.
 - The road narrows to a single lane carriageway plus a shared surface footpath of 800mm to 1.1m.
- Objective Castleknock 4 – not at variance, if of any relevance; it relates to two other (retail) locations. The access makes provision for pedestrians and cyclists and has been designed to be wheelchair friendly in terms of revised levels where the access rises up from the Castleknock Road.
- They have consistently offered to facilitate a point of potential future linkage from the appeal site to the lands to the south. This can only be achieved along the Church of Ireland boundary.
- The boundary with LIDL has been fully developed. In granting permission for the LIDL development the Board explicitly accepted that the Glenmalure site would not

have to be linked to the LIDL development and that the LIDL development was acceptable on the basis that there was an independent access to this site.

This is developed in detail with reference to the inspector's report on 247458 which, the appellant states, considered the issue of providing linkage with the subject laneway, including via the Church of Ireland lands to the rear of the protected structures, and accepted as sufficient that no physical barriers be put in place to prevent future connection. The appellant requests that their proposal be similarly assessed. They propose a temporary 1.8m high timber close board fence to replace the previously proposed brick wall at this location. They state that they would facilitate access from the lands to the south. No access can be provided from LIDL including pedestrian access, which is unfortunate given the relatively small area of land the latter would have required.

- Re.Reason No 2
- Objective Castleknock 2: the PA have agreed with the height.
- The development as a whole does not materially contravene Objective Castleknock 2. The PA have accepted that the design has dealt with the sensitivities of the site and wider area. Density is not an issue. This reason appears to refer to their concerns about the laneway.
- Apartments and offices complement permitted uses in the area.
- Through it's design, layout and density it also respect the location's backland setting. The applicant took significant steps to ensure that the development does not adversely impact on the character of the Conservation Area, which it merely abuts.
- Responding to: constraints imposed on the proposed development by the entrance to the site, it is considered that it is not a sensitive infill, does not enhance the village facilities and amenities and would therefore contravene materially Objective Castleknock 2 and the Town Centre land use zoning objective as contained in the Fingal Development Plan 2017-2023, the proposed development would also if permitted set a poor precedent for the future development of the area.
- Revised proposals:
- The access surfaces have been adjusted to include a grey, granite paving stone on the two lane portion of the access which feeds into a single lane portion of the

access which will be treated entirely in buff coloured macadam. At RFI stage the pedestrian path was cut at the indentation. In the amended landscape plan the pathway now sweeps around the indentation.

- A portion of the brick wall is replaced by close boarded fence. The lighting has been revised.
- Reduced heights of boundaries north and south from 2m to 1.8m. Removed planting to widen the driveway. Rationalised planting along the southern boundary to enhance openness.
- Removed planting at the entrance to increase passive surveillance.
- Updated lighting plan to achieve the required lighting regulations for an E3 suburban light zone.
- Public open space: The development will not be gated. Visitors are by definition members of the public. It accords with DMS32 and PM60.
- PM53 sets out the circumstances in which a levy can be applied, the circumstances do not exist in this case.

6.2. Planning Authority Response

6.2.1. The Planning Authority have responded to the grounds of appeal, the response includes:

- The issues raised have been dealt with in the planner's report.
- The development, served by a sole, shared narrow access would be substandard, failing to provide for safe and comfortable environment for pedestrians and all road users.
- The proposed amendments generally improve the arrangement from that submitted but these measures alone do not overcome the fundamental concern regarding substandard access to an extensive development as proposed. The location of future access is now shown on the landscape masterplan but in itself is only indicative. At the very least an alternative pedestrian access to serve the site, other than the driveway, should be provided.

- The appellant cites precedent established by similar proposals, each application must be judged on its own merits. There are clear policies and objectives in the current Development Plan and Ministerial Guidelines against which this proposal is assessed, in particular the safety of all road users and provision of a quality pedestrian environment. These policies and objectives are being implemented in a consistent manner.
- In the event that the appeal is successful a financial contribution in accordance with the Council's S48 Development Contribution Scheme should be applied.

6.3. Observations

6.3.1. An observation on the grounds of appeal has been received from Simon O'Neill, 58 Castleknock Park. It includes:

- No effort was made to address issues raised in objections, in particularly the unacceptable boundary treatment.
- Inadequate access will exacerbate existing traffic flow problems on Castleknock Road which has already been adversely impacted by Lidl development; this is detailed.
- It will grossly impact on residents of Castleknock Park due to inadequate boundary proposal, overlooking of gardens and loss of privacy, noise, and the location of streetlights in the carpark, resulting in floodlighting.
- A copy of Mr O'Neill's submission to the planning authority is attached.

6.3.2. An observation on the grounds of appeal has been received from Carmel O'Sullivan, 59 Castleknock Park. It includes:

- The issues set out in the foregoing observation are raised and in addition a copy of her submission to the planning authority is attached.

6.3.3. An observation on the grounds of appeal has been received from Olive Finucane & Eric Dwyer, 57 Castleknock Park. It includes:

- The issues set out in the foregoing observation are raised and in addition a copy of their submission to the planning authority is attached.

6.3.4. An observation on the grounds of appeal has been received from Matt Carroll Sadliers Field, Castleknock Road, on behalf of Matt Carroll and Michael Carroll, executors. It includes:

- Traffic & Sightlines -- in the grounds of appeal response to refusal reason no 1, legal land rights to provide the road access as shown and connectivity to the village, are not addressed. Re. reason no. 2, the traffic report accepts a reduced 2m set back for sightlines but the standard 2.4m could be achieved by arrangement with the owners of Sadliers Field.
- Boundary matters – the boundary map provided at Appendix 4 shows existing boundaries but neither this nor the revised Landscape Masterplan LGLE 011 Drg No 100 Rev E dated 7.05.2019, address the boundary issues at Sadliers Field, for construction of retaining walls on the boundary, or the issues of levels at the boundary.
- If permission is being issued conditions should be included to ensure that the amenities and property rights of Sadliers Field are not infringed in any way.

6.3.5. An observation on the grounds of appeal has been received from Cllr John Walsh. 10 Ashleigh Court, Castleknock and Joan Burton TD. It includes:

- The constrained access arrangements fail to achieve a quality pedestrian environment. The applicant fails to provide for safe access and proposes a substandard development with fundamental shortcomings in terms of safety.
- There is no attempt to achieve permeability between this and Lidl, even though it was contemplated in the Board's decision granting permission. The applicant takes the view that the Lidl decision foreclosed the achievement of permeability, in fact that decision adopted the opposite view.
- Risk to children entering and exiting Castleknock National School, having to cross the access at peak am traffic; times which coincide with school opening.
- Removal of trees and provision of green space shows lack of concern for environment; particularly the mature sycamore.
- Removal of mature trees at west impinges on Castleknock Park.

- The height is detrimental to the amenity of the area. A four storey block is inconsistent with the ACA.
- The development does not enhance the villages amenities and facilities and is inconsistent with Castleknock local objective 2.

6.3.6. An observation on the grounds of appeal has been received from the Board of Management, Castleknock National School, It includes:

- They query the architectural visualisation of the proposed development, Photo 1.
- The Lidl development has resulted in considerable congestion on the Main Road with bumper to bumper traffic during morning peak times. It will be extremely difficult for the cars exiting the development to join the tail back and these cars will straddle the pedestrian footpath as they attempt to nudge their way into the oncoming traffic.
- The intermittent blockage of the footpath represents a considerable risk to the safety of parents and pupils using the footpath.
- Photo 2 includes the location of a stop line. The alignment of this line with the wall to the left side on exit will make it extremely difficult for drivers crossing the footpath to see any children approaching from their left as they walk towards the school entrance.
- Photo 2 is an incorrect visualisation of the extent of tailback.
- The development will severely impact on the quality and safety of the pedestrian environment.
- The yellow Junction box that was modified to accommodate the Lidl entrance is ineffective.
- The reiterate their concerns about overlooking of the school yard and find that the applicants citing of an inspector's report in another case subjective. The potential viewing from the Lidl site is different, being only from an area at the end of checkouts where a person loitering would be noticed.
- The communal open space will be provided at roof level providing a birds eye view of the school playground.

- The open nature of the open space, argued by the applicant, is a double-edged sword as it allows for observation of children in the playground and has serious child protection implications.
- The loss of the considerable amount of existing vegetation, and in particular the large mature tree, is disappointing and could not be considered a sensitive infill.
- A copy of their submission to the planning authority is attached.

6.3.7. An observation on the grounds of appeal has been received from Castleknock Resident's Association, It includes:

- They agree with the Planning Authority's decision, in particular, reference to inappropriate entrance, poor access lane for residents, general public and emergency services.
- They are concerned at the totally inadequate eastern perimeter treatment along their public park.
- Their park has a series of fine poplar trees along its perimeter with Lidl and Glenmalure. In the Lidl development the Fingal Parks Superintendent stated to the Board that he agreed with the Lidl arborist that a new concrete wall was quite possible using a technique of drilling then inserting concrete piles and bridging these pillars with concrete plinths. The wall could then be built on these plinths. The Board inserted this as condition 16(d) of the permission.
- The insertion of industrial type railings would be inconsistent with the Board's previous decision.
- The existing railings are rusting and inadequate and show the futility of using them as a boundary treatment in this situation. The existing mesh fence along the eastern boundary of Glenmalure is in an exceedingly poor state. The Lidl decision establishes a precedent for this boundary.
- They agree with section '6e' of the FI request that a timber fence is not acceptable and a plinth wall and railing similar to the Lidl boundary is required.
- The Lidl boundary has been completed, no poplars were compromised. They request the same here.

- Other points made in their submission to the planning authority are reiterated: overlooking of 3 houses rear gardens; red brick finishes to match the ACA & Lidl; preservation of Sycamore; unacceptable 60m long, single line access laneway; absurd dumping of the bins in a congested entrance; access to east of the flats complex by emergency vehicles; need for 40 parking spaces; and 4 storey ruled out by development plan.
- A copy of their submission to the planning authority is attached.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, the junction with Castleknock Road, the access, the Development Plan and Castleknock Urban Centre Strategy, overlooking, boundary treatment, public open space and other issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. The Junction with Castleknock Road

- 7.3.1. While this is not a reason for refusal, the additional traffic movements at the junction with Castleknock Road and associated issues are raised as concerns by observers. They are concerned that the additional traffic movements will contribute to further congestion on the public road. They are concerned that traffic exiting the site will have difficulty entering the road and will obstruct the footpath, an important consideration given the proximity to the entrance to the school to the north-west.
- 7.3.2. It cannot be said that the proposed development will not increase traffic movements, and therefore congestion, on the public road, which already experiences heavy levels of traffic at certain times. However the development of a centrally located site, where many services are accessible by foot or by bicycle and with public transport

options available, will, in the long run, reduce traffic congestion. Some of the through traffic choosing to route through the town centre have alternatives available to them and town centres should not be designed around the needs of through traffic. It is to the benefit of a town centre to discourage such traffic.

- 7.3.3. Observers, who are executors of the adjoining site to the north west state that better sightlines could have been achieved if the applicant had negotiated with them.
- 7.3.4. During the course of the application this access was examined by the Transportation Planning Section of Fingal County Council and, having had regard to the 85% speed of traffic in either direction on the adjoining road, the achievable sightlines, and the amount of traffic which would be generated by the proposed development, the proposed development was found to be acceptable.
- 7.3.5. The Transportation Planning Section recommended that details of the provision of the yellow box at the entrance on the Castleknock Road be agreed.
- 7.3.6. It would be of concern if the public footpath was obstructed as a result of the proposed development, however illegal use of the footpath should not be a reason to refuse permission. An Garda Síochána are charged with implementation of Road Traffic legislation.
- 7.3.7. In my opinion the junction with Castleknock Road and the additional turning movements associated with the proposed development are not reasons to refuse permission.

7.4. The Access

- 7.4.1. The first refusal reason refers to the constraints of the access: that the sole, shared, narrow access to the site, arising from the length, alignment, treatment of boundaries and deficiency of overlooking, which fails to suitably advocate for the quality of the pedestrian environment or create permeability and legibility for all users.
- 7.4.2. The existing access is a long narrow driveway which is capable of only limited modification having regard to the limited extent of land owned by the applicant, along the driveway, and the development on adjoining sites. It is part of the proposal that two-way traffic would operate at the road entrance and that, for the extent of the boundary with the school, where it is narrower, the driveway would operate as a

shuttle, with one-way traffic at any one time. For the extent of the one-way system, the road would also be a shared surface, used by pedestrians and cyclists.

- 7.4.3. The Transportation Planning Section required further modification of the proposal, including implementation of a signalised traffic control to ensure that priority is always maintained for inbound vehicles, and this was to be a condition.
- 7.4.4. The grounds of appeal focuses on the security of the roadway for pedestrian users as the likely source of the reason for refusal, pointing out that overlooking would be achieved from apartments, the school grounds and Castleknock Road. Proposals in relation to the boundary height and finish, and the location of the lighting, are included in the submission.
- 7.4.5. The passive surveillance, which overlooking provides for pedestrians using the access roadway, is part of the issue regarding the quality of the pedestrian environment. There is, at present, limited overlooking from Castleknock Road because of the distance and because of the vegetation along the southern boundary, including the mature tree, such that the narrower length of driveway, farther away from the road, cannot easily be seen from the public road. This will be improved by the removal of the tree and reduction in vegetation along the driveway. From the proposed development there will be a considerable degree of visibility. The kitchen/living/dining areas of the most southern apartments, at first, second and third floor levels will have an uninterrupted view of the entire access roadway. The visibility from both from the Castleknock Road and the proposed apartments will be considerable. If further security measures are considered necessary at a later stage, technological security solutions are available.
- 7.4.6. I accept to some extent the planning authority's assessment that because of its extended length and restricted width and the absence of any accesses to animate its considerable length, it will be a less inviting pedestrian space than would be desired in a town centre. However the applicant has attempted to manage the limitations of this space with floorscape treatment, boundary treatment and lighting and also by providing for future access from the Church of Ireland land adjoining to the south, where the only potential access would be located. In my opinion, having regard to its central location and the fact that this is the only access solution within the control of

the applicant, the limitations of the access for pedestrians should not be a reason to refuse permission.

- 7.4.7. Regarding the Planning Authority's response to the grounds of appeal that at the very least an alternative pedestrian access to serve the site, other than the driveway, should be provided, is not within the control of the applicant to comply and such powers as would be required are reserved to the planning authority.
- 7.4.8. With regard to the shared use of the access and the need to utilise a shuttle system, it is worth considering the proposed uses of the development. Although the Town Centre designation refers to mixed use, there is no requirement to provide a mixture of uses within any development, (this is in contrast to Local Objective 619 which applied under the previous Development Plan and sought to provide a mixture of uses in any redevelopment on this site and adjoining lands). The desirability of providing an appropriate level of residential development in town centres is however stated.
- 7.4.9. The proposed development provides for office use extending over part of the ground floor, an area of 284m². The office use envisaged as a possible use, is use by the applicant company, but the exact nature of their activities is not detailed. It seems likely that staff arrival time for work at the office would overlap with workers leaving the apartments and this would increase the demand for use of the shuttle at the morning peak. The Transportation Planning Section have stated that an office development that would generate all day commercial traffic would not be considered favourably given the shared nature of the access road. Although the objective of mixed use is appropriate in the general area, it appears to me that given the access constraints on this site it would be preferable to have residential use only in the proposed development. Should the Board consider the proposed office use acceptable, restriction on its use to a class 3¹ office use, which would not include

¹ Planning and Development Regulations, Schedule 2, part 4, exempted development classes of use:

CLASS 2 Use for the provision of (a) financial services, (b) professional services (other than health or medical services), (c) any other services (including use as a betting office), where the services are provided principally to visiting members of the public.

CLASS 3 Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

offices where the services are provided principally to visiting members of the public, should be a condition.

7.5. The Development Plan and Castleknock Urban Centre Strategy

7.5.1. The second refusal reason states that because of the entrance to the site, it is considered that it is not a sensitive infill, does not enhance the village facilities and amenities and would therefore contravene materially Objective Castleknock 2 and the Town Centre land use zoning objective as contained in the Fingal Development Plan 2017-2023.

7.5.2. The proposed development has a height of three and four storeys.

7.5.3. Objective Castleknock 2 states:

improve the physical and environmental character of Castleknock through sensitive infill development that enhances village facilities and amenities. Development in Castleknock Village will be of a height and density appropriate to a village setting and in keeping with existing housing in the core Castleknock Village and to a maximum of three storeys in height.

7.5.4. The zoning objective for TC: town and district centre – states –

protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities. The vision is: maintain and build on the accessibility, vitality and viability of the existing Urban Centres in the County. Develop and consolidate these Centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses, and to enhance and develop the urban fabric of these Centres in accordance with the principles of urban design, conservation and sustainable development. Retail provision will be in accordance with the County Retail Strategy, enhance and develop the existing urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car based traffic. In order to deliver this vision and to provide a framework for sustainable development, Urban Centre Strategies will be prepared for centres in accordance with the Urban Fingal Chapter objectives.

- 7.5.5. The Board will note that SPPR 3 of the Urban Development Building Heights Guidelines for Planning Authorities, December 2018, provides that even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise, provided the applicant for planning permission sets out how a development proposal complies with the criteria set out in the guidelines; and the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and the guidelines, the planning authority may approve development,
- 7.5.6. The further information request included a request to show compliance with SPPR 3 and the subsequent planning report noted compliance with the guidelines and the acceptability of the height of 3 and 4 storeys as proposed.
- 7.5.7. Therefore notwithstanding the use of the term ‘contravene materially’ in my opinion the proposal is not a material contravention of either objective and therefore the provisions of Section 37 subsection 2 of the Planning and Development Acts do not apply.
- 7.5.8. The Castleknock Urban Centre Strategy, identified this site as part of a larger bank of underdeveloped lands where it was considered an integrated network of streets could be developed which would consolidate the village centre. Several developments have taken place since the strategy was formulated, most notably the development to the south, termed the Lidl development. The integrated network of streets has not been realised and the large land bank no longer exists. Some potential for pedestrian connectivity to the proposed driveway access has been referred to under previous headings. This would help to animate the long avenue, but the subject site can no longer provide the permeability and connectivity envisaged in the Castleknock Urban Centre Strategy.
- 7.5.9. The Fingal Development Plan 2017-2023 does not refer to the Castleknock Urban Centre Strategy, but refers to the preparation of an Urban Framework Plan for Castleknock.
- 7.5.10. The Board will note that the issue of permeability and connectivity arose in a previous appeal PL06F.347458 for the Lidl development, adjoining to the south, and that in attaching condition 16 (a) – ‘No planting shall be provided at the location of the future connection point to the lands to the north of the application site. All lighting

standards and feature boulders proposed at this location shall be omitted', it accepted the inspector's recommendation. The inspector's report refers to the location of the proposed linkage point being a small area of land which is located to the rear of, but separated from, the Protected Structures along Castleknock Road; and considered that the development subject to the recommended conditions, provided a suitable level of connectivity and permeability for that application site which was an important backlands site.

- 7.5.11. The current proposal also provides for a similar potential connection and the applicants state that this matter was considered in the Board's previous decision and it was accepted as sufficient that no physical barriers be put in place to prevent future connection and they request that their proposal be similarly assessed. They propose a temporary 1.8m high timber close board fence to replace the previously proposed brick wall at this location, along the Church of Ireland lands, and state that they would facilitate access from the lands to the south.
- 7.5.12. To the east the site is bounded by developed lands and the green space at Castleknock Park, where objective Castleknock 7 of the development plan 'Prevent access to/from the retail face of Castleknock Road to Castleknock Park', specifically operates to prevent connectivity in that direction.
- 7.5.13. In my opinion the proposed development cannot be refused on the basis of lack of permeability and connectivity as envisaged in the Castleknock Urban Centre Strategy.
- 7.5.14. I acknowledge that the access route will be altered by the proposed development, such that its existing country lane appearance will be replaced by largely hard surfaces. However this proposal provides residential development in the heart of the town: an objective of the development plan, and will comprise development to a high standard and of an appropriate density on currently underutilised lands. I do not accept that it is not a sensitive infill, or that it does not enhance the village facilities and amenities and or that it would contravene Objective Castleknock 2 or the Town Centre land use zoning objective.
- 7.5.15. In relation to the potential link to the lands, referred to in the application details as the Church of Ireland lands, along the access driveway I consider that a condition similar to condition 16 (a) of PL06F.347458 should apply.

7.6. **Boundary Treatment**

- 7.6.1. Observers have raised concerns in relation to the boundary with Castleknock Park, and what they consider to be a particularly unacceptable boundary treatment.
- 7.6.2. The proposed development bounds a green and the rear of a number houses in Castleknock Park. The green has a planted area of Lombardy Poplars and an understory along the boundary which completely screens from view the existing boundary fence.
- 7.6.3. The Landscape Architects response to the further information request refers to the concern's regarding the boundary with Castleknock Park, stating that this matter was considered by them in conjunction with the Arborist and Fingal County Council's Parks representative and it was determined that a post and railing boundary treatment was the most appropriate solution from the point of view of retaining and protecting existing trees, security and appearance. The arborist's report states that a sycamore tree will be retained on this boundary, although hardly visible at present, due to the Ielandii hedge within the subject site, it will add significantly to the landscape character of the site.
- 7.6.4. The observers refer to the boundary treatment between Castleknock Park and the Lidl development which provided a concrete wall with a railing above, by utilising a system of bridging; which they wish to see replicated for the boundary with the subject site. That boundary treatment appears to have been part of the proposal for the development of the Lidl site and it is not here proposed. I can see no necessity for such a boundary and I would consider it unreasonable and disproportionate to require such by condition in the circumstances of this case.
- 7.6.5. One observation has raised a concern regarding the proposed lowering of the laneway vis a vis the adjoining residential property to the north and how the provision of a replacement wall can be erected without impinging on that property. I consider that the implementation of the development can be managed without interference with the adjoining property, any unforeseen issue arising is not a matter for planning legislation.

7.7. **Overlooking**

- 7.7.1. Concerns regarding overlooking have been raised by observers. It is stated that it will grossly impact on residents of Castleknock Park due to overlooking of gardens and loss of privacy.
- 7.7.2. The proposed development is located approximately 17m at the nearest point from the boundary with the closest dwelling and in excess of 25m from the development. In my opinion these distances provide more than adequate separation and no undue overlooking will arise.
- 7.7.3. Representatives of Castleknock National School, adjoining the lane and to the west of the apartment block, have concerns about overlooking of the school yard.
- 7.7.4. The development site is in a built up area and neither residences nor schools can be protected from some level of overlooking. The laneway which accesses the proposed development is currently formed by a palisade type fence above a low blockwork wall, therefore overlooking can currently occur from the laneway. The proposed development includes the provision of a less open boundary which will improve upon the existing situation.
- 7.7.5. In relation to the concern raised regarding overlooking from apartments and the open space at roof level, I fail to see why there should be any concern regarding the potential for such overlooking of the school playground. I cannot accept that a birds eye view of the school playground could have serious child protection implications.

7.8. **Public Open Space**

- 7.8.1. The grounds of appeal refers to public open space stating that the development will not be gated; that visitors are by definition members of the public; and that the development accords with DMS32, and PM60. It points out that PM53 sets out the circumstances in which a levy can be applied and states that the circumstances do not exist in this case.
- 7.8.2. Objective PM52 - 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.

- 7.8.3. Objective PM53 - Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.
- 7.8.4. The Parks Division report states that the open space provided within this development is not considered Public Open Space as it is part of the immediate curtilage of the proposed apartment complex and it is not easily accessible to the general public for their use. The minimum unit size of open space acceptable for Public Open Space is 500 sq m. The applicant indicates an area of 141 sqm dwg no. HDC-MCA-00-ZZ-SK-A-003 . This is considered Environmental OS which functions as a buffer zone between this site and the adjoining residential development; not considered usable for childrens' play, narrow with parking alongside which would impact on passive supervision. A second area of 667 sq m is considered communal open space. The accessible car parking space and entrance to the apartments should not be included as communal open space. A contribution in lieu of provision should be required for Public Open Space.
- 7.8.5. Although the grounds of appeal refers to green areas within the development as public open space, it is shown in the application as private or communal open space and I am in agreement with the Parks Division that, as it is part of the immediate curtilage of the proposed apartment complex and is not easily accessible to the general public for their use, it cannot be considered public open space.
- 7.8.6. Notwithstanding the non-availability of public open space to serve the development, in the circumstances of this case, I do not consider that this is a reason for refusal.
- 7.8.7. Regarding the Parks Division recommendation of the imposition of a condition requiring the payment of a levy in lieu of provision. A special development contribution could be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit the proposed development, and where the particular works are specified. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution. No particular works and their

associated costs are referred to in the Parks Division report, accordingly, in my opinion, a levy is inappropriate in this case.

7.9. Other

- 7.9.1. Observers have raised concerns regarding noise. The proposal to develop an apartment building on a site which is currently occupied by a single disused dwelling will generate some additional noise from the human activity associated with multiple dwelling units but this is not likely to result in any significant noise nuisance.
- 7.9.2. Observers have raised concerns regarding the location of streetlights in the carpark, resulting in floodlighting. The applicant has submitted a public lighting layout, drg no SES 12418, which in addition to the provision of bollard type lighting around the building, proposes a 6m column light with a 25 watt LED near the proposed building entrance and two similar lighting columns near the eastern boundary of the site to light the car park area. It is considered appropriate to condition the cowling of these latter two lights to shield the eastern boundary.
- 7.9.3. A bin transfer area is proposed adjacent to the road entrance to the site. Observers refer to absurd dumping of the bins in a congested entrance.
- 7.9.4. In response to the further information request it is stated by a refuse collector that the procedures in place in most multi-unit residential schemes, that they provide refuse collection services to, is that they employ a contractor service that, in advance of the collection, move all the bins from their location in each property out to a position close to the main road. Once the bins have been discharged, the next team follow on behind, replacing the bins from where they were originally removed.
- 7.9.5. In my opinion this procedure makes adequate provision for bin collection. However the proposal to enclose this marshalling area by a timber screen is not justified given that it is proposed as a temporary marshalling area only, and for use only on bin collection day. In my opinion the provision of an enclosure for this area could encourage longer term use and this would not be acceptable given its proximity to an adjoining residential property and the public street. In my opinion a condition should be attached, requiring the omission of the proposed timber enclosure, to safeguard against it's use for longer periods.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that planning permission should be granted, subject to conditions as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1.1. It is considered that having regard to the pattern of development in the area, the zoning objectives for the site as set out in the Fingal Development Plan 2017-2023 and other objectives of the Plan particularly those for Castleknock, the proposed development would be an appropriate form of development at this location, 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.	<p>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 13th day of March 2019 and by the further plans and particulars received by An Bord Pleanála on the 7th day of May 2019, 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed office use shall be omitted from the development and residential units shall be provided in replacement, designed using a Universal Design Approach, following the guidance provided by the National Disability Authority. A revised ground floor layout, in accordance with the foregoing, shall be submitted for the written agreement of the planning authority, prior to the commencement of development.</p> <p>Reason: To reduce the use of the traffic shuttle in the interest of traffic safety and to provide suitable dwelling units.</p>
3.	<p>Details of external finishes shall be submitted for the written agreement of the Planning Authority prior to commencement of works, no alterations to same will be permitted in the absence of prior written consent of the Planning Authority.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
4.	<p>The timber screen fencing, indicated for the bin transfer area at the site entrance, shall not be provided, and this area shall only be used for the marshalling of bins on bin collection day.</p> <p>Reason: To protect the amenities of the area.</p>
5.	<p>The new stone wall at the site entrance shall be a limestone wall and capping details shall match that of the existing boundary wall of upright/standing stones.</p>

	<p>Reason: To protect the amenities of the Conservation Area.</p>
6.	<p>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:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
7.	<p>Prior to the commencement of development the following details shall be submitted for the written agreement of the planning authority:</p> <ul style="list-style-type: none"> • A singalised shuttle system.

	<ul style="list-style-type: none"> • Surface changes along the one way road/shared space which will enforce low vehicle speeds. • The design of the shared surface to indicate pedestrian priority. • A traffic management plan. • The low level landscaped area to the south of the access to be set back by 200mm to provide a 2.4m wide footpath across the entrance. • At least two electric vehicle parking spaces to be provided and all parking spaces shall have the infrastructure in place to enable future provision. • Proposals that make provision for a tailored resident’s mobility management plan. • Details of the provision of the yellow box at the entrance on the Castleknock Road. <p>Reason: In the interest of traffic safety.</p>
8.	<p>At the vehicular access/exit point to the development, measures shall be implemented, including contrasting materials, signing, and road marking, etc, to ensure that vehicles entering/leaving the development are aware that pedestrians have priority across the site entrance and that vehicles must yield right -of-way. Details shall be agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of traffic safety.</p>
9.	<p>a) Prior to the occupation of development, a Car Parking Management Plan shall be submitted for the written agreement of the Planning Authority. This plan shall indicate how spaces will be assigned and how use of the car parking will be continually managed.</p>

	<p>b) Car spaces shall not be sold, rented or otherwise sub-let or leased to other parties.</p> <p>Reason: In the interests of orderly development and traffic safety.</p>
10.	<p>The proposed fencing along the eastern boundary of the site adjoining the public open space shall be a 2m high 20mm diameter solid bar, galvanised and powdered coated black railing.</p> <p>Reason: In the interest of orderly development.</p>
11.	<p>Any proposed trees in grass margins of less than 2 metre width shall be planted in constructed tree pits of a minimum rooting volume of 12 cubic metres.</p> <p>Reason: To provide for future connectivity.</p>
12.	<p>At the location of the access point to the lands to the south of the application site, no planting shall be provided and all underground services within the driveway shall be designed and constructed to facilitate future access at this location.</p> <p>Reason: In the interest of orderly development.</p>
13.	<p>The two 25 watt LED lights mounted on 6m light columns near the eastern boundary of the site, to light the car park area, shall be provided with cowling to ensure minimum light spillover onto the adjoining lands to the east. Details indicating compliance with this requirement shall be submitted for the prior written agreement of the planning authority.</p>

	<p>Reason: In the interest of residential amenity.</p>
14.	<p>The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
15.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and orderly development.</p>
16.	<p>Prior to commencement of the development and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working and noise management measures.</p> <p>Reason: In the interest of orderly development.</p>
17.	<p>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</p>

	<p>July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
18.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<p>During site clearance, excavated materials shall be damped down or otherwise treated to prevent the emission of dust from the site. All stockpiles shall be planned and sited to minimise the potential for dust nuisance.</p> <p>Reason: In order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings.</p>
21.	<p>Proposals for a development name, and for unit identification and numbering and associated signage shall be submitted to, and agreed in</p>

	<p>writing with the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority, and shall be in both Irish and English. Thereafter, the name and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
22.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank, to provide security for the street tree to the north of the entrance and to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting sewers and drains, and also to secure the satisfactory completion of services/infrastructure until taken in charge by a Management Company or by the local authority, of roads, open spaces, car parking spaces, public lighting sewers and drains, and in the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge. 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.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
23.	<p>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</p>

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.

Planning Inspector

22nd August 2019

Appendices

Appendix 1 Photographs

Appendix 2 Fingal County Development Plan 2017-2023, extract.

Appendix 3 Castleknock Urban Centre Strategy, extract.

Appendix 4 Urban Development Building Heights Guidelines for Planning Authorities, December 2018, extract.

Appendix 5 The Fingal County Council Development Contribution Scheme 2016 - 2020, extract.