



An
Bord
Pleanála

Inspector's Report

ABP-304504-19

Development	Demolition of existing structure and the construction of 40 no. residential units in total and all associated site works
Location	Hollywood Rath House, Hollywood, Hollystown, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW19A/0034
Applicants	Montague Ventures Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First / Third Party
Appellants	Montague Ventures Ltd.
Observers	DAA
Date of Site Inspection	13 th September 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Hollywood Rath House, Hollywood, Dublin 15, south east of Hollystown village and approximately 5km north east of Blanchardstown. The site is bounded to the east by the R121 and to the south by the L3080. The south eastern corner of the site is at the cross roads. The western edge is defined by the gate lodge and access driveway / avenue to Hollywood Rath House and the northern boundary is defined by the RS zoning. This rural area adjoins residential development to the south of the road in this rural/urban fringe.
- 1.1.2. Hollywood Rath House and gate lodge are protected structures. The site is a corner of the demesne landscape associated with the house. A derelict building within the site near the mid point of the eastern boundary, is stated to be a former constabulary barracks, dating to a time when the rural road network followed a different alignment.
- 1.1.3. The roadside boundary along the L3038 to the south is formed by a high masonry wall which appears to have been repaired, and a narrow footpath runs along the wall at the edge of the public road. The roadside boundary with the R121 to the east is formed in part by a masonry wall at the southern end. At about the mid point of the site there is a gateway which is not in use, the derelict former barracks is south of and adjacent to this gateway. North of the gateway the boundary is provided by portions of wall and fence and there are trees which extend to the road edge at the northern end; mainly evergreen trees. The footpath extends only along part of the road frontage with the R121.
- 1.1.4. A double post and rail fence with an intervening hedgerow has been developed as a boundary along the north of the site to separate the site from the rest of the demesne of Hollywoodrath House.
- 1.1.5. The site and adjoining lands present a strong edge of trees to the public roads. On the western boundary there are trees near the gate lodge and avenue. The centre of the site has been partly hollowed out of trees by natural losses.
- 1.1.6. The site is given as 1.32 hectares.

2.0 Proposed Development

- 2.1. The proposed development is the demolition of an existing structure and the construction of a two storey apartment block containing 14 apartments and 26 two storey houses: 40 no. residential units in total.
- 2.1.1. The housing will comprise 17 no. 3-bed and 9 no. 4-bed two-storey houses. The two-storey apartment building will accommodate 4 no. 1-bed, 9 no. 2-bed and 1 no. 3-bed duplex apartment units. Associated and ancillary site development works and landscaping and boundary treatment works, include: use of 1 no. existing site entrance to the Ratoath Road for pedestrian access, and 1 no. new pedestrian entrance from the R121 Road; new vehicular site entrance from the R121 Road; 74 no. surface car parking spaces (52 no. on-curtilage parking for the houses & 22 no. grouped parking spaces for the duplex apartments, including 1 no. visitor and 1 no. disabled space); 1 no. bicycle and bin shed; 1 no. pumping station; and a surface water sewer connection to adjoining lands to the west.
- 2.1.2. The application was accompanied by:
- An Engineering Report
 - A Construction Management Plan
 - An Arboricultural Report
 - A Report titled Provision of Information for screening for Appropriate Assessment
 - An Ecological Impact Assessment
 - A Housing Quality Assessment
 - An Architectural Design Statement
 - A Conservation Report
 - A Designed Landscape Appraisal
 - A Design Rationale – Landscape Architecture, and
 - A book of drawings and photographs titled ‘Typology – Rural Dwelling Form’.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided (24th April 2019) to refuse permission for three reasons:

1 It is considered that the proposed housing, by virtue of its density, layout and design taking account of the carrying capacity of the receiving environment and the policy designations thereon, does not meet the standards to satisfy the requirements set out in the Fingal County Development Plan 2017-2023. The proposal does not successfully resolve the design challenges presented and is inconsistent with the status of the site. The proposal would contravene materially objectives PM31, PM33, PM41, CH20, Hollystown 2, DMS80, DMS151 of the Fingal County Development Plan 2017-2023, would set a poor precedent and be contrary to the proper planning and development of the area.

2 The applicant has failed to demonstrate how the proposal complies with quantitative and qualitative open space requirements, contravenes materially objectives DMS03 and DMS61 of the Fingal County Development Plan 2017-2023 and as such is contrary to the proper planning and development of the area.

3 The proposal would seriously compromise the retention of significant trees and hedgerows on site which should be retained. In this regard the proposed development would be contrary to the objective DMS77 of the Fingal County Development Plan 2017-2023 and as such would be contrary to the proper planning and 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. The planning report, which recommends refusal, includes:

The planning history is noted.

Pre-planning meeting is noted.

Reports of other sections are noted. In particular the potential for impacts on mature trees in constructing the surface water connection; which is of concern. The need for retention of trees nos 12 and 44 is of concern. The design and finishes proposed for the pumping station are of concern.

Discrepancies in drawings: access to house numbers 10, 11 and 26 are highlighted as deficient, the excessive roof pitches are highlighted. Boundaries are considered inadequate.

The historical residential zoning, which related to Hollystown village, and the provision of housing related to that rural village are noted. The principle of residential development on the subject site is considered acceptable. The principle of the development, including the apartment element, is considered to fail the tests set out in Box 2 of the Guidelines for Planning Authorities on Sustainable Residential development in Urban Areas, primarily with regard to how it responds to its context.

The setting is the location between the urban / rural interface. The creation of successful design for the subject site is a complex task involving a range of complex constraints, including the functional and aesthetic relationship with Hollystown village. The design has had regard to many of the complex aspects presented, but has failed to present a design which is successful. The buildings proposed contain elements of an urban typology and elements of a contemporary rural typology and although many elements incorporated into the design of the development are considered appropriate to each of these settings they do not work in combination as presented.

The importance of the concept of placemaking extends beyond its impact on the subject site to that of the wider developing area. The contribution the site currently makes to that character and the potential for this proposal to impact on that character is significant. The proposal fails to capitalise on the opportunities for placemaking.

Historical zonings provide policy context to what has been considered appropriate development of this site over recent times. The 2005-2011 and 2011 – 2017 plan objectives are cited; and the rural village (RV) zoning objectives which applied under these plans. The current plan has specific objectives relating to the village of Hollystown which the proposed development does not meet.

The site is part of a designed landscape in the curtilage of a protected structure. None of the precedents for suburban type development referred to in supporting documentation are relevant. The proposal does not meet a design standard appropriate to the sensitivities of the site. A number of features have not been acknowledged in the design: variations in the townland boundaries, the former police station, the well, the pond and the two protected structures. The proposed boundary: a post and rail timber fence and tall hedge to be confirmed with the adjoining landowner; is not satisfactory. Views of the new development could potentially be seen from the main avenue of Hollywoodrath House and the development is very open to the lands along the northern boundary. This is unacceptable within the curtilage of the protected structures.

The ecological assessment, justifying the removal of any elements of the natural environment that constrain the development, is not useful. The approach of removing trees of acknowledged value, to accommodate a higher number of units, is at odds with policy. The proposal is overdevelopment taking account to 'The Nature Development Area' designation of the site.

The roofs are excessively high and disproportionate to the houses.

House nos 14 and 15, dwg. 14032/PL114, front elevation, indicates a hip gable and rear elevation does not. The pedestrian access to house nos. 10 & 11, D1 & D and House no. 26 type B1, to the north of the proposed development is questionable as an access route, in terms of design, car parking, accessibility to houses serviced & the future safety of residents. The proposed northern & western boundaries of 1.2m post and rail fencing with native hedgerow and post and rail fencing are inadequate for screening, privacy and health and safety of future residents.

In apartment F first floor, the opening up of the north gable with opaque glazing into the kitchen area to relieve the deep plan and create a dual aspect apartment has been missed.

The footpath is deficient for reasons including access to house nos. 10 to 15.

Inadequate detail re. boundaries to front of houses, defining semi-private spaces, and the transition from public to private realm.

The palette of materials is not considered to be successful.

Although quantitative standards are stated to exceed minimum, an acceptable standard of floor areas and private open space provision for both apartments and houses would substantially exceed the prescribed minimums.

The combined cycle and bins store structure is unacceptable.

The open space provision has advanced from that proposed in refused application F06A/1468 with the open space now located to increasingly act as a buffer to the boundaries of the site, however it remains less than per DMS61 of the plan.

Trees – there are serious deficiencies in the scheme regarding the layout format, design and management of natural features and open space. The extent of tree removal exceeds what is considered acceptable, taking account of the policy context of the site. The extent of tree removal required by or as a consequence of the surface water connection is unclear in the application. Issues surrounding the function and treatment of both existing and proposed trees have continued to be a significant factor in the consideration of this site by both designers and the planning authority. Issues set out in consideration of and refusal reasons in F06A/1468 remain for this development, which involves the removal of 43 of 57 trees on site. With regard to the multiple designations, policies and objectives applying to the site, proposals for the removal of trees and planting of trees are entirely deficient.

The entrance has been designed for a 50kph speed limit where a 60kph speed limit applies. To achieve required sightlines, the removal of the boundary wall to a protected structure is likely to be required. The turning area terminating at the edge of the R121 is unacceptable. The proposed pedestrian connection onto the Hollystown Rd is unacceptable in terms of location, pedestrian visibility and safety. Boundary treatment, footpath cycle path continuity along the R121, upgraded public lighting, setback, and taking in charge, are inadequately considered. Taking in charge drawings do not meet required standards. Objectives for proposed cycleway on the R121 are not incorporated.

Distance from the pumping station does not comply with WT12: 35-50m buffer distance. Connection of a sewer network, which is not taken in charge, is proposed; no consent / feasibility provided. A proposed rising main is outside the application boundary.

3.2.2. Other Technical Reports

3.2.3. Environmental Health Air & Noise Unit, which includes – conditions.

3.2.4. Conservation Officer, which includes:

Hollywoodrath House is a Protected Structure (RPS No.665). The designation includes the main house, the gate lodge, gates & gate piers and historic outbuildings. Pre-planning took place and amendments have been made.

Impact on protected gate lodge – the siting of the apartment building, while in the vicinity of the gate lodge, is separated by open space area 2 and is a 2 storey scale. The separation distance is sufficient. Car parking is provided directly against the boundary with the gate lodge. The proposal that the boundary be confirmed with adjoining landowner is not satisfactory; details required. The preference is for planting to be placed within the development site. Details of public lighting, where required, should be depicted and should be of simple plain design.

Impact on Hollywoodrath House & Mature Trees/ Planting – there is a substantial level of separation between the main historic house and the development lands, not to have a direct impact, but views of the new development could potentially be seen from the main avenue of Hollywoodrath House and the development is very open to the lands along the northern boundary. The pumping station, which is a very utilitarian structure, is the closest element, and no screening is proposed. The wayleave for a surface water connection is shown crossing the main avenue. The drawing (no 101) notes that excavation will take place around the existing tree roots. It is important to ensure that trees within the adjoining land holding and along the main avenue will not be lost. Additional planting to the western and northern boundaries is required in consultation with Parks Superintendent. Additional space may be needed along the northern boundary to ensure an adequate taller hedgerow boundary that may entail setting back the building line. Clarity is required re.

design of and boundary treatment to the proposed foul pumping station; conflicting details are provided. The design needs to be more considered in the context of its placement. Potential impact of the surface water connection on Avenue trees to be considered and clearly outlined. The scheme to be re-examined to retain trees 12 and 44 and to see if other category B trees could be kept.

3.2.5. Transportation Planning Section, which includes –

The entrance has been designed for a 50kph speed limit where a 60kph speed limit applies. No justification for use of 50kph speed limit given. Revised drawings showing sightlines for a 60kph speed limit required, including forward SSD on the R121 from the north. Additional gateway's signage from the north to be provided. The cul de sac at the northern end to extend to the northern boundary. Footpaths are shown as 1.8 and 2m, clarify. Footpaths should not terminate at private parking but extend to the shared surface. The footpath should continue along the R121 rather than having a stone wall along the road, and should be 2m wide with public lighting for taking in charge. The proposed turning area on road 2 terminates at the R121, there should be a buffer area / setback from the road. The existing footpath to the south side of the site on the Hollystown road is very narrow. A footpath connection at this location would be beneficial, it is not clear if adequate visibility of pedestrians can be achieved. Further consideration of the proposed connection, in terms of pedestrian visibility and safety, is required.

The R121 is an inter-urban cycle route in the GDA Cycle Network plan. Other development in close proximity is implementing cycle plans which will create a good network. The applicant has not made any proposals. Footpath and cycle path provision and connectivity to be addressed, including any set-back requirements. The taking – in – charge drawing does not clearly define private areas and public areas; revision required. Parking – acceptable; cycle parking – 18 spaces required for the apartments and 32 for the dwellings – for dwellings individually secured storage areas should be associated with each; to be addressed. Cycle storage should not be located beside bin storage and should preferably be integrated into apartment buildings. Further information required.

3.2.6. Parks Division, which includes:

It is not clear what is referred to as open space (OS). It appears that any green area is proposed as OS; various stated amounts: 3,387m² – application report, 3,287m² site layout, and 3,333m² architectural design statement. The size of SuDS features is not stated. Under objective DMS73 a maximum of 10% open space provision shall be taken up by SuDS.

Applicant to be required to show how the development will meet development plan standards. Minimum size 500m²; areas not counted include: environmental open

space, incidental or narrow pieces of open space used for the preservation of trees and/or as visual relief and screen planting e.g. along roads.

Existing trees – 43 of 55 trees, and 7 lines / groups of trees to be removed. It is accepted that 13 U rated trees and stumps, and 1 tree line should be removed. The impact of ground level changes, excavation and loss of adjoining sheltering trees requires further consideration. The proposed SuDS features and associated excavation for services it appears would have significant impact on the successful retention of trees. The proposed attenuation area is directly impacting on trees worthy of retention, including no 44 category B2 beech. Proposed swales are also shown within the root protection area of a number of trees shown for retention. It is questioned whether additional trees would have to be removed to facilitate the surface water wayleave and associated drainage services connecting to the attenuation area. The rising main is shown in the vicinity of trees along the southern boundary. Further information required.

ESB substation and pump station – shown on some drawings not others, at the NW boundary. Per development plan, electricity substations should not be permitted on public open space; should be relocated.

Street tree planting – the landscape plan does not indicate any public lighting so it is unclear if the proposed tree planting is achievable. A small number of large growing trees are proposed within a short distance of buildings which could pose structural and shading issues. A minimum distance of 7 m to be maintained between proposed lamp standards and trees (Fingal Tree Strategy). Further information required.

Boundary treatment – proposed post and rail timber fence to be substituted by metal estate railing based on original Regency and Georgian period designs. A hedgerow is proposed adjoining the lodge, however the landscape plan shows a row of car parking, insufficient separation distance is being provided for buffer screen planting which is required to screen this development from the gate lodge. The proposed boundary and necessary screen planting in the vicinity of the pump station is not clear. Further information required.

3.2.7. Community Archaeologist which includes:

There is an unusual confluence of historic roads and proximity of a number of historic townland boundaries, therefore an archaeological impact assessment is required.

3.2.8. Water Services Department which includes:

Minimum required separation distance for pumping station, of 15m IW is achieved but FCC CDP distance of 35-50m not achieved.

A portion of the rising main is outside the red line. The proposed connection is to a sewer network not yet commissioned/taken in charge. Further information required to confirm consent and capacity. Revised surface water calculations / drawings required. The critical 100 year event has not been identified and the storage volume may be undersized. The proposed detention basin does not allow for any freeboard. The proposed surface water outfall route crosses third party lands, and the existing 450mm pipe into which it will connect appears to be in private ownership. Legal permission and a minimum 6m wayleave required. FI and conditions.

3.3. **Prescribed Bodies**

3.3.1. IAA which includes: no observations.

3.3.2. DAA, which includes: the development is located within the Dublin Airport Outer Public Safety Zone and the Outer Airport Noise Zone. Objectives DA07, DA13 and DA14 refer. Per objective DA07, further information required re existing and predicted noise environment with consideration for future airport growth, to demonstrate that internal noise levels appropriate for habitable rooms can be achieved and maintained. Appropriate noise mitigation measures should be proposed and implemented. Have regard to ERM Report Public Safety Zones 2005.

3.3.3. IW - which includes: No Objection –

- 1) Where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the

development and adhere to the standards and conditions set out in that agreement.

- 2) In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

- 3.3.4. Department of Culture, Heritage and the Gaeltacht – Re. Architectural Heritage, which includes: the Department recommends that the well and pond be investigated, as part of Further Information, with consideration to retaining them, if feasible, within the proposed development.

3.4. **Third Party Observations**

- 3.4.1. There are no third party observations on the file.

4.0 **Planning History**

F06A/1468 Development consisting of (site area is 1.49 hectares) 28 no. dwelling units comprising 16 no. 5 bed detached 2 storey dormer units with optional conservatories plus 6 no. 2 bed apartments and 6 no. 3 bed duplex apartments arranged in 3 no. 2 storey dormer blocks, new vehicular access from R121 road, 2 no. pedestrian access openings in existing stone boundary walls, demolition of existing derelict structure and all associated site works - Hollywood, Hollystown, Dublin 15, refused for 7 reasons:

- visually intrusive
- impact on the protected structures and setting of these structures
- deficient open space
- inadequate footpath widths
- inadequate sight-lines on the R121
- insufficient information in relation to foul drainage and surface water drainage
- impact on trees and hedgerow features.

F06A/1472 Development consisting of (site area is 4.89 hectares) 95 no. dwelling units, refused for 9 reasons:

- overall appearance of the housing
- impact on the protected structures and setting of these structures
- deficient open space
- pedestrian and cyclist linkages
- attenuation tanks, located on the Class 1 open space
- objective RO9 of the Fingal County Development Plan 2005-2011
- inadequate sight-lines and inadequate footpath widths on the Ratoath Road
- insufficient information in relation to foul drainage and surface water drainage
- impact on trees and hedgerow features.

F08A/0913 Development on a site of c. 4.75 hectares on lands within the curtilage of Hollywoodrath House of 96 no. dwelling units, refused for 6 reasons:

- contrary to zoning and village type development
- impact on Hollywoodrath House
- impact on open space
- access to the open space would be through the grounds
- natural features have not been incorporated into the layout
- insufficient information in relation to foul drainage and surface water drainage.

5.0 Policy Context

5.1. Development Plan

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

Zoning Objective RS: Provide for residential development and protect and improve residential amenity

Vision: Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

The site is located within the Dublin Airport Outer Public Safety Zone and the Outer Airport Noise Zone.

Objective PM31 - Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).

Objective PM33 Enhance and develop the fabric of existing and developing rural and urban centres in accordance with the principles of good urban design, including the promotion of high quality well-designed visually attractive main entries into our towns and villages.

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.

Objective HOLLYSTOWN 2 - Ensure the physical and visual integration of the centre with the newly developing residential areas and landscape setting.

Objective DMS03 Submit a detailed design statement for developments in excess of 5 residential units or 300 sq m of retail/commercial/office development in urban areas.

Objective DMS61 - Retain in open space use institutional lands, landscaped demesnes and similar properties with established recreational or amenity uses, as far as practicable. However, in the event of permission for development being granted on these lands, open space provision in excess of the normal standards will

be required to maintain the open character of such parts of the land as are considered necessary by the Council for this purpose.

Objective DMS151 - Establish a hierarchy of light intensities on lands that are subject to Local Area Plans, Masterplans and larger tracts of lands subject to comprehensive developments in order to ensure that environmental impacts are minimised as far as possible through the designation of Environmental Zones.

Objective DMS77 - Protect, preserve and ensure the effective management of trees and groups of trees.

Objective DMS80 - Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of developments.

Objective DMS155 - Where necessary, the Planning Authority shall require a detailed Architectural Heritage Impact Assessment for an application for works to a Protected Structure. This shall be carried out in accordance with Appendix B of the Department of the Arts Heritage and Gaeltacht's Architectural Heritage Protection Guidelines for Planning Authorities.

Objective NH20 - Maintain and/or enhance the biodiversity of the Nature Development Areas indicated on the Green Infrastructure maps.

The Council aims to ensure that the biodiversity value of these areas is maintained and enhanced. Applications for planning permission must demonstrate how the proposed development will maintain and enhance the biodiversity value of the site.

Objective DA07 - Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

Objective DA08 - Notwithstanding Objective DA07, apply the provisions with regard to New Housing for Farming Families only, as set out in Chapter 5 Rural Fingal, within the Inner Noise Zone subject to the following restrictions:

- Under no circumstances shall any dwelling be permitted within the predicted 69 dB LAeq 16 hours noise contour,
- Comprehensive noise insulation shall be required for any house permitted under this objective,
- Any planning application shall be accompanied by a noise assessment report produced by a specialist in noise assessment which shall specify all proposed noise mitigation measures together with a declaration of acceptance of the applicant with regard to the result of the noise assessment report.

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura sites are Rye Water Valley/Cartron SAC (site code 001398) located c 3.5 km (west), and Malahide Estuary SAC (site code 000205) and Malahide Estuary SPA (site code 004025) located c 4.25 km (east), straight line distance, from the subject site.

5.3. EIA Screening

- 5.3.1. 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 Stephen Little & Associates, on behalf of the first party. The issues raised include:

- Previous refusals for being visually intrusive, failing to adequately retain and incorporate natural features and to adequately respect the setting of the protected structure. The design was also considered to be visually incongruent with the character of a village type settlement, having regard to their height and inclusion of large dormer windows.
- The proposed development has sought to positively address these concerns. A carefully considered, architecturally designed scheme is proposed to deliver a modest housing development that is complimentary to the village character of Hollystown and sensitive to the protected structure, its landscape and setting, while also delivering sustainable residential development at a built up settlement within the Dublin Metropolitan Area.
- Several pre-planning consultation meetings took place between June 2017 and June 2018; recommendations (listed) were included in the design.

Responding to reason no. 1:

- Design and visual – PM31 – the architectural design statement discusses how the proposed development complies with each of the urban design criteria. Re DMS159, the landscape appraisal describes and illustrates how the proposed development has been sensitively designed to settle within its transitional urban/rural context – housing layout and design, tree retention and new planting, to ensure no adverse environmental or visual amenity impact on Hollywood Rath House and its landscaped setting. The Conservation Architects conservation assessment is also referred to. This multi disciplinary design team engaged in extensive pre-planning consultations. The proposed housing is laid out in small outward facing clusters and a modest apartment building set back from the mature trees and vegetation that screen the site and forms part of the landscaped setting of Hollywood Rath House. Building height is low and the built form and materials proposed are sympathetic to Hollystown village. Generous public open space allows for the retention of existing vegetation, in particular around the site boundaries, settling the proposed development into a borrowed and augmented landscaped setting.
- The proposed development seeks to strike a reasonable balance between the preservation of the built and natural features, and addressing the strategic

requirement to consolidate development at finite development land. The proposed development strikes the necessary balance, complies with the RS zoning and the urban design criteria.

- Visually attractive main entries to towns and villages – objective PM33 – the key drivers for the design and layout are taken from the site’s setting within the Hollywood Rath House Demesne and the key objectives set out in the Hollystown LAP. The tree survey informed the design, in that it reinforced the design teams objectives to maintain and reinforce the existing mature boundaries and resulted in two distinct housing clusters which are kept back from the site boundaries. A bespoke architectural approach to delivering a variety of building forms and housing typologies, to be finished in high quality materials, departs from typically repetitive suburban design and layout. The inside out village green concept ensures passive surveillance of amenity spaces and keeps built edges away from the more sensitive boundaries.
- The apartment building has specific regard to the orientation of the site towards the public road and the proximity of the gate lodge. The building mass has been kept closer to the eastern boundary maintaining / protecting and adding to the existing mature landscape buffer zones. The building line has been recessed behind the line of the adjacent gate lodge.
- Public spaces will be completed with a contemporary soft and hard landscaping. The visual connection to / from Hollywood Rath House will be minimal. The development strategy is of protecting, maintaining and planting along the site perimeter. Along the northern site boundary there is an existing double post and rail timber fence 1.2m high with a recently planted hedge between, which it is proposed to retain with managed native hedgerow planting.

It has been necessary to remove a number of individual trees. Where trees have been unavoidably removed compensatory planting is proposed. The conservation report is referenced. The development is fully compliant with PM33.

- Objective PM41 – quality of place, residential accommodation and amenities – the planner’s report states that it would represent overdevelopment. The development plan advises that densities should have regard to Sustainable Residential Development in Urban Areas Guidelines, 2009, and the Urban Design

Manual. Densities in the range of 20-35 per hectare are considered appropriate in this context. The site is zoned for residential development and serviced, and set within the built up context of an urban village – a peripheral / less accessible urban location, having regard to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, 2018; and is suitable for densities up to 45 per hectare. The density achieved is approx. 30 per hectare. The development meets all the relevant residential design standards – dwelling mix, unit size, public and private OS, car parking, cycle parking. No overdevelopment occurs. Revised plans are submitted for the Board’s consideration in the event that the Board considers a higher density required. These illustrate how an additional 7 apartments could be inserted at 2nd floor of the apartment building, increasing the density to 35 units per hectare, and providing a more robust edge at the entrance to the village. The additional one storey height is at the farthest point from Hollywood Rath House. In either scenario the proposed development strikes a reasonable balance in achieving sustainable residential density at this location while protecting the built and natural heritage that enhances the character of Hollystown village.

- The proposed development is consistent with the surrounding pattern, sensitive to local character and features, and compliant with Objective PM41.
- Re. Objectives CH 20, DMS156 and DMS159. The planning authority states that there are a number of features that are not acknowledged in the design: the police station, townland boundaries, and the two protected structure. This is refuted. A conservation report was included with the application. No works are proposed to the protected structure – the house, its avenue or gate lodge. The removal of the police barracks is identified and justified in the conservation report.
- A designed landscape appraisal was submitted with the application. The character of the site is mainly described as parkland, which mainly comprises open grasslands and a mixture of predominantly 20th century trees characterising the site perimeter. The layout is based on a concept where the houses are clustered in the centre of the site and open spaces are kept to the perimeter.
- A small number of native trees are proposed to be felled but these are within the interior of the site. Leyland Cypress trees along the Ward Road, eastern site

boundary, are proposed to be felled and replaced with a more appropriate native hedgerow, to retain and enhance the rural essence of the road. Along the northern boundary there are no mature trees. Managed native hedging is proposed. Street tree and other tree planting is proposed. Street trees will consist of suitable native species. The proposal will be visually screened from Hollywood Rath House. It will have a neutral impact on the existing demesne. Objectives CH 20, DMS156 and DMS159 are fully complied with.

- Re. Objective Hollystown 2 – ensure the physical and visual integration of the centre with the newly developing residential areas and landscape setting. As described earlier the development has been designed to integrate.
- Re. Objective DMS8 – ensure trees, hedgerows and other features which demarcate townland boundaries, are preserved and incorporated where appropriate into the design of developments. As described earlier, wherever practically possible, existing trees, hedgerows and other features are retained. Where trees are to be removed replacement planting with various species is proposed which will complement the native species already present.

Responding to reason no. 2 open space:

- Re. Objective DMS61 – the proposed development provides c3,387 sq m or approx. 29% of the total site area.
- A successful balance is achieved in the proposal in achieving residential density and design for zoned serviced land, and protecting local features that lend character to Hollystown village and form part of the local heritage.
- A number of new usable amenity spaces are created within the scheme for the benefit of the local community.
- The design approach reflects the overall strategy of maintaining a borrowed landscaped at the site perimeter with public realm and open space integrated at the edges of the site appropriately overlooked by outward facing housing clusters and facilitating the preservation of the mature trees and vegetation that forms part of the setting of Hollywood Rath House.

- The open space meets quantitative standards and provides amenity open space that is attractive and integrates successfully into the surrounding landscape and is respectful of the setting.

Responding to reason no. 3 retention of trees and hedgerows:

- Appendix A to the submission illustrates the condition of the subject trees, in 2018.
- Following the arborists review of the trees a number were wholly unsuited for retention. In addition, in order to achieve a sustainable residential density and design standards in an attractive and practical layout and comply with DMURS standards for pedestrian permeability vehicular access and parking, a substantial proportion of the interior of the site requires modification.
- Of the 43 trees to be removed:
 - 13 are category U.
 - 15 are category C poor quality that may be of limited value.
 - One, no 44, at the centre of the site, will be removed to facilitate the proposed development it will allow for the setback of the attenuation basin from the existing boundary to ensure that there is no encroachment on the root protection of trees 41, 43 and 52. Replacement planting is proposed.
 - Re. potential damage while constructing the surface water outfall, directional drill of this section is proposed to minimise any potential damage.
 - Existing trees and vegetation at the site perimeter are retained and augmented. The proposed housing will be well integrated in the landscape setting.

An alternative scheme, to provide an additional 2nd floor to the proposed apartment building, is detailed.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority has responded to the grounds of appeal, which includes:

- The Conservation Report and Designed Landscape Appraisal included with the appeal were assessed as part of the application and remain deficient in the extent to which the physical and historical context of the site has been taken into account in the design. The contribution to and or removal of any and all structures, boundaries or other elements of physical or historical interest within the curtilage of these protected structures requires a greater consideration than presented in the application and grounds of appeal.
- The area has been subject to change: townland boundary changes, extension of the demesne boundary, incorporation of the police station, historical well and pond features within the demesne, alteration to the road network in the mid 1800's; and the opportunity to incorporate these features into the design has been missed.
- Fingal Development Plan requires a significantly higher level of urban design and place making, acknowledging the contribution of this designed landscape / protected demesne, in the achievement of the highest level of residential amenity for further residents and the wider area.
- The proposal to insert an additional storey will not contribute to addressing the refusal reasons; non compliance with objective PM41 relates to the quality of the design rather than the density.
- The significance of the loss of the police station by demolition, and opportunities for incorporation into the proposed design, have not been addressed in the appeal.
- They bring to the attention of An Bord Pleanála the emerging policy position regarding Airport Noise Zones, which are likely to be the subject of a variation to the Fingal Development Plan in Q4 of 2019 and which have potential implications for the proposed development.
- No new information has been presented which was not considered by the planning authority.
- In the event of a grant of permission, a development contribution per the Development Contribution Scheme, to be attached.

6.3. **Observer**

6.3.1. DAA have submitted an observation, which includes:

- They made a submission to Fingal Co Co which set out:
 - Objective DA07, DA13 and DA14 were cited.
 - Per objective DA07, further information required re.
 - Existing and predicted noise environment with consideration for future airport growth,
 - To demonstrate that internal noise levels appropriate for habitable rooms can be achieved and maintained.
 - Appropriate noise mitigation measures should be proposed and implemented. Have regard to ERM Report Public Safety Zones 2005.
 - The planning authority should have regard to recommendations in the ERM Report Public Safety Zones 2005, the Dublin Airport Outer Public Safety Zone and the Outer Airport Noise Zone.
- Should the Board be minded to grant permission they request a condition requiring a noise assessment and appropriate noise mitigation measures.

6.4. **Applicant Response**

6.4.1. The applicant has responded to the Planning Authority response to the grounds of appeal, which includes:

- Re. the issues raised in relation to the Conservation Report and Designed Landscape Appraisal:
 - The Board is referred to the response by Cathal Crimmins Grade 1 Conservation Architects, previously submitted which deals with all these issues and states their expert view that the design and layout have had appropriate regard to all these features.
 - The proposed new planting restores a reference to a historical bank of trees at this location. This, together with the retention of existing perimeter trees and other features of heritage interest such as the boundary wall, is reflective

of the historical landscape (tree banks) and old townland boundary, and represents a conservation gain which more than offsets the minor loss of the derelict remains of the police station.

- There is little evidence of a pond, and the remaining fabric of the police station provides little evidence of its former function. It is unspectacular and has become dangerous. It could be referenced in the place naming strategy.
- The existing gateway on the R121, being retained, could be alternatively used as a pedestrian entrance on the eastern boundary in order to obviate the need for another pedestrian entrance and avoid removal of fabric from the demesne wall. Further on-site investigations may reveal such possibilities, with final landscape plan details to be agreed with the planning authority prior to commencement by way of a reasonable condition. Where the removal of fabric from the demesne wall is unavoidable, the material could be reused in the proposed vehicular gateway further to the north.
- The Board is referred to the Designed Landscape Appraisal that accompanied the application prepared by Dermot Foley Landscape Architects, which covered all the relevant criteria listed in objective DMS159, and the report by Cathal Crimmins with reference to the historic landscape retained, reflected or with potential to be reused.
- The carrying capacity of the site has been comprehensively addressed.
- Re urban design and place making:
 - No new issues are raised that have not been already thoroughly addressed in the original application and in the appeal.
 - They refer to section 4.1 of their appeal:
 - It complies with the zoning, with objective PM33, is consistent with the surrounding pattern of development - PM41, and objectives C20, DMS155 and DMS159.
 - The addition of a further floor within the general roof space was not proposed to address any perception by the Council that good urban design had failed to

be achieved at this site. The applicant is simply identifying, for the information of the Board, an opportunity to increase residential density without impact.

- The proposal strikes a reasonable balance in the achievement of a more sustainable density on zoned land while protecting the sensitivity of local built and natural heritage.
- Proposed density, 30 p/ha; with additional floor, 35 p/ha.
- Dwellings are compliant with amenity standards.
- Airport Noise Zones:
 - The Council's submission raises the issue of emerging policy in relation to Airport Noise Zones, which is likely to be dealt with through a variation to the Fingal Development Plan and which has the potential to impact proposed residential development at this location. This site is currently located within the outer noise zone for Dublin Airport, per development plan zoning map. This zoning takes account of the new northern runway.
 - They enclose an Aircraft Noise Impact Assessment, prepared by AWN Consulting Engineers, to address this issue.
 - The report takes account of the existing baseline noise environment and the likely future noise environment in the event that an intensification of night time aircraft movement is approved by the Council, as the relevant noise authority.
 - The site may be categorised as at medium risk to environmental noise and this does not change in the context of future development at Dublin Airport, including more intensive night flight activity.
 - Residential development is not precluded, however, given the medium risk status, suitable care and attention should be applied to design mitigation to minimise noise impact for residential use, and particularly at night.
 - Noise level internally, with windows open, would be higher than ideal in the event of increased night flight activity. Occupants will have the option to close the window to reduce noise level. External noise levels in the amenity area are calculated to be within the recommended noise level.

- The assessment recommends a minimum acoustic specification for the glazing and vents, to ensure, should the need arise, that the internal noise environment at night time remains good. The specification can be readily achieved with the use of double glazing and acoustic passive ventilation. A suitable reasonable condition can be attached.
- A report from Cathal Crimmins Architect is attached, which includes:
 - Re. boundary treatment per drawing PL102B, the existing stone demesne wall is to be retained in the proposal, including a gateway on the R121. Two pedestrian entrances are proposed, one in the SW corner and another on the R121. This will involve the removal of a small section of the boundary wall.
 - It is recommended that this work be kept to a minimum and the stone re-used in the proposed vehicular gateway on the R121. It is also suggested that the existing gateway on the R121 be used as a pedestrian entrance, obviating the need for a second pedestrian entrance on the R121. This would minimise any loss of historic fabric and would retain existing features and references to the historic landscape. Most of the boundary treatment to the north of the gateway consists of trees and hedgerows. These are to be retained, except where the new entrance is proposed. A stone wall/entrance gateway is proposed, echoing the demesne wall. The proposed shared surface and greenspace on the eastside of the site ensures that the residential development is set back from the road ensuring that the existing character of the R121 is maintained.
 - The remaining fabric of the police station provides little evidence of its former function. It is unspectacular. Although no structural assessment has been carried out, it has lain vacant for some time and is hazardous. Photographs to illustrate its deterioration since 2018 are provided. It could be referenced in the name of one of the proposed roads/shared surfaces, per Magee Artillery Barracks in Kildare.
 - The little that will be lost through the removal of the ruins will be more than offset by the incorporation of other landscape features such as the boundary wall and the restoration and enhancement of other landscape treatments such as trees and hedgerows, and on the boundaries within the site. These maintain a reference to the demesne landscape, and in the case of the

northern boundary, the trees within the site restore elements of what was once a bank of trees. The inclusion of these features and the provision of green space within the subject site form an integral part of the placemaking strategy.

- The development does not have a significant impact on the protected structures or demesne.
- A report from AWN Consulting Engineers titled 'Aircraft Noise Impact Assessment' is attached, which includes:
 - The report has been prepared to address the potential noise impact due to aircraft movements with reference to best practice guidance contained in the Dublin Agglomeration Environmental Noise Action Plan December 2018 – November 2023 Volume 3 – Fingal County Council, Public Consultation Document (NAP (noise action plan)).
 - The submission refers to 'ProPG - Professional Guidance on Planning & Noise' published in May 2017 by a working group comprising members of the Association of Noise Consultants, Institute of Acoustics and Chartered Institute of Environmental Health. It has been generally considered as a best practice guidance and widely adopted in the absence of equivalent Irish guidance.
 - Which is referenced by the EPA.
 - And incorporates a 2 stage approach:
 - 1) high level
 - 2) detailed appraisal covering 4 elements:
 - Good Acoustic Design Process
 - Noise Level Guidelines
 - External Amenity Area Noise Assessment and
 - Other Relevant Issues.
 - A key component is the delivery of an Acoustic Design Statement (ADS) which can make recommendations in relation to its findings: consent may be granted without conditions; with suitable noise conditions; refused on

noise grounds to avoid significant adverse effects (avoid); or refused on noise grounds to prevent unacceptable adverse effects (prevent).

- WHO guidelines are referred to in the document. The WHO guidelines are intended to serve as a basis for policy making, not as noise limits.
- Noise risk assessment – figure 5 shows the baseline noise across the site for road traffic, day; figure 6 shows the baseline noise across the site for road traffic, night; figure 7 shows the baseline noise across the site for aircraft noise, day; figure 8 shows the baseline noise across the site for aircraft noise, night.
- Table 1 gives a summary.
- Future noise environment – with the development of the new north runway there will be no night-time use of the new runway and night-time use of the existing runway will be severely curtailed. However DAA are in the process of applying for a change to the permitted operations. The EIA has not been published but some consultation documents have. Several noise contour maps are presented, for a variety of airport proposed operational scenarios. The worst case daytime noise level from aircraft movements at the site is unchanged $60\text{dB}_{\text{LAeq}, 16 \text{ hr}}$, scenario A:2022 average (LAeq) day noise contours. Night-time noise levels are predicted to be slightly higher than current levels, to be of the order of $55\text{dB}_{\text{LAeq}, 8 \text{ hr}}$ scenario A:2022 average (LAeq) night noise contours. The public consultation information is indicative and does not form part of any approved scenario at present. It is representative of the worst-case noise impact when night flights may be permitted.
- The Noise Risk Assessment conclusion is that the site is medium noise risk. This classification is valid for both the existing situation and future environment and would apply in the absence of any activity at Dublin Airport due to the road traffic noise levels.
- An Acoustic Design Strategy, confirming how the adverse impacts of noise will be mitigated and minimised and which clearly demonstrate that a significant adverse noise impact will be avoided.

- Full acoustic assessment:
 - ProPG Guidance – Good Acoustic Design (GAD):
 - The glazed elements and any ventilation paths to achieve compliance with Part F of the bldg. regs will be the weakest elements in the façade.
 - Consideration to upgraded glazing and acoustic ventilators, so that when windows are closed internal sound levels are good. It is justifiable and correct to provide building facades with a moderate degree of sound insulation such that with windows closed but vents open a good internal acoustic environment is achieved.
- External amenity area noise – noise levels should ideally not be above the range of 50-55dB L_{Aeq, 16 hr}. The worst case external noise levels with the north runway in operation have been calculated to be less than 54 dB L_{Aeq, 16 hr}. when combined with road traffic the cumulative noise level is expected to be of the order of 54 dB L_{Aeq, 16 hr} which is below the desirable level of 55dB L_{Aeq, 16 hr}.

Table 2

Noise source	Lday dB	Lnight dB.
Road traffic	58	55
Air traffic	<54	57
Total	59	59

- Total 59 Lday dB, L59 Lnight dB.
- Internal Noise Guidelines.
 - It will not be possible to achieve the desired noise levels during night-time with windows open.
 - Ventilation options will be considered at detail design stage e.g adjustable hit and miss acoustic ventilators or trickle ventilators or mechanical ventilation. Any through wall vents should be specified to achieve a sound insulation performance of 41dB D_{n,e,w}. The roof construction has been

considered. The plasterboard should have a mass of 8kg/m² or greater and there should be a layer of mineral / glassfibre quilt / slab in the void between the joists of at least 100mm thickness with a density of 10-30kg/m³. Any penetrations through the ceiling board must be as small as possible and made good by fully filling with plaster or with an acoustic sealant.

- Good internal noise criteria are achieved for daytime and night-time.
- Overheating – draft document Acoustics Ventilation and Overheating Residential Design Guide – February 2018.

External Free-field noise level ¹		Risk Category ⁴
Daytime dB L _{Aeq, T} ²	Night-time dB L _{Aeq, T} ³	
≤52dB	≤47dB	Low
>52dB and ≤62dB	>47dB and ≤55dB	Medium
>62dB	>55dB	High

Notes:

1 the values presented should not be regarded as fixed thresholds (reference can be made to dose-response relationships such as in DEFRA 2014 study)

2 a decision must be made regarding the appropriate averaging period in use. The averaging period should reflect the nature of the noise source, the occupancy profile and times at which overheating might be likely to occur.

3 Regular individual noise events should also be considered, (appendix A of proPG for further).

4 The risk of adverse effects occurring will also depend on how frequently and for what duration the mitigation of overheating is likely to result in increased internal noise levels.

All facades are categorised as medium to high risk for day and night respectively. In all instances the overheating condition will be controlled by opening windows; required during the hottest days of the year. Given the free-

field incident noise levels at the façade of the order of 59dB L_{Aeq, 8 hr} night and L_{Aeq, 16 hr} day, an open window offers a noise reduction of up to 15 dB, the expected internal noise level of the worst-affected facades during overheating will be of the order of 44dB during both day and night; considered to represent medium to high risk. Noise levels of this level are considered suitable if they occur for limited periods.

- External amenity areas are expected to achieve the recommended 55dB_{Aeq, 16 hr}.

- Assessment of other relevant issues

4(i) compliance with relevant national and local policy (DA07 compliant),

4(ii) magnitude and extent of compliance with ProPG,

4(iii) likely occupants of the development,

4(iv) acoustic design v unintended adverse consequences,

4(v) acoustic design v wider planning objectives (DA07 compliant),

are discussed and found to be in compliance.

7.0 Assessment

7.1. The issues which arise in relation to this appeal are: appropriate assessment, the principle of the development, material contravention, built heritage conservation, natural heritage conservation, 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 Principle of the Development

7.3.1. The site is zoned RS, to provide for residential development and protect and improve residential amenity. The adjoining land to the north is zoned 'GB', greenbelt, and to

the west beyond the avenue is zoned OS, open space. The site is also designated a nature development area where objective NH20 applies: to maintain and/or enhance the biodiversity of the area; where applications for planning permission must demonstrate how the proposed development will maintain and enhance the biodiversity value of the site.

- 7.3.2. The ecological value of the site is reported on in the ecological impact assessment report which accompanied the application. It is generally considered to be of low ecological value except for the tree lines which are considered of local importance, higher value, because they contain some understory and are utilised by local bird species and provide some foraging opportunities for bats and other fauna. The report acknowledges the potential for cumulative impacts in combination with other residential and industrial developments permitted to the south, but concludes that, subject to the mitigation included in the report, the magnitude of potential cumulative impacts will be reduced and also that such impacts would be temporary and occur at a significant local geographical scale, with no significant impact on European sites or pNHA's.
- 7.3.3. Although it appears that the zoning of this land for development runs counter to the objective of maintaining its biodiversity value, such that, achieving a successful development is complex and involves balancing competing objectives, nevertheless the proposal to carry out residential development on this site is acceptable in principle.

7.4. **Material Contravention**

- 7.4.1. Two of the refusal reasons state that the proposed development would materially contravene objectives of the County Development Plan. The objectives referred to, which have been cited in full earlier in this report, are:

PM 31 - urban design,

PM 33 - enhance the fabric of rural and urban centres,

PM 41 - encourage density & quality,

CH 20 – the setting of protected structure,

Hollystown 2 – physical & visual integration with the centre,

DMS 80 - trees on townland boundaries,

DMS 155 – detailed architectural heritage impact assessment required for works to a protected structure.

DMS 03 - detailed design statement, and

DMS 61 - open space provision in excess of normal standards for development on landscaped demesne lands.

7.4.2. Section 37(2)(a) of the Planning and Development Act 2000 as amended, states that where the planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission, where it considers that:

- (i) the proposed development is of strategic or national importance, or
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) with regard to listed guidelines, or
- (iv) having regard to the pattern of development and permissions granted in the area since the making of the development.

If the Board decides to grant permission it is required to indicate in its decision the main reasons and considerations for contravening materially the development plan.

7.4.3. In my opinion the objectives referred to in the planning authority's decision are not so specific as to be demonstrably contravened and therefore in my opinion the proposed development does not materially contravene these objectives. The Board may consider that Section 37(2)(a)(ii) applies, in which case a decision to grant permission must include reference to the fact that the objectives in the development plan are not clearly stated, insofar as the proposed development is concerned.

7.4.4. Matters arising with reference to these objectives are dealt with under separate headings later in this report.

7.5. Built Heritage Conservation

7.5.1. The site is part of the demesne of Hollywood Rath House, a protected structure; and adjoins the Gate Lodge to Hollywood Rath House, a protected structure.

7.5.2. It is stated that one of the key drivers for the design and layout are taken from the site's setting within the Hollywood Rath House Demesne. A multi disciplinary design team engaged in extensive pre-planning consultations. The proposed housing is laid out in small outward facing clusters and a modest apartment building set back from the mature trees and vegetation that screen the site and forms part of the landscaped setting of Hollywood Rath House.

The Conservation Officer confirms that pre-planning took place and amendments have been made. That regarding the impact on Hollywoodrath House & Mature Trees/ Planting – there is a substantial level of separation between the main historic house and the development lands, not to have a direct impact, but views of the new development could potentially be seen from the main avenue of Hollywoodrath House and the development is very open to the lands along the northern boundary.

7.5.3. The Conservation Officer also confirms that the separation distances from the gate lodge and the height of the apartment block are acceptable; but has concerns that the pumping station, which is a very utilitarian structure, is the closest element, and no screening is proposed.

7.5.4. Other built heritage issues were raised in the planner's report and in the planning authority's response to the appeal: that variations in the townland boundaries, the former police station, the well and the pond have not been acknowledged in the design, and regarding the removal of the police barracks. The submission on the planning application from the Department of Culture, Heritage and the Gaeltacht in relation to architectural heritage, recommends that the well and pond be investigated, as part of further information, with consideration to retaining them, if feasible, within the proposed development. Since a further information request did not issue there is no additional information available to the Board on this issue.

7.5.5. In my opinion there is no objection to the loss of the barracks. This is not in itself a protected structure and preservation by record is acceptable. This is also likely to be the solution in relation to the well and pond.

7.5.6. In my opinion the main concern in relation to the built heritage is with regard to the designed landscape, in relation to the potential for impact on avenue trees and trees near the boundary. It is also worth noting that proposed additional planting is shown north of the site boundary, where it would be necessary to have come indication from the adjoining landowner of consent for such.

7.6. Natural Heritage Conservation

7.6.1. The importance of the existing trees on the site is set out in various documents. In the arboricultural report the species, condition and quality of each tree is given.

7.6.2. The loss of tree no. 44 is referred to in a number of reports. The Conservation Officers report states that the scheme should be re-examined to retain this tree and also tree no. 12 and to see if other category B trees could be kept. The Parks Department report refers to the trees being part of a linear corridor.

7.6.3. It remains of concern that in addition to those trees identified for removal, other trees may be impacted. The impact of ground level changes, excavation and loss of adjoining sheltering trees requires further consideration. It is of concern that the proposed SuDS features and associated excavation for services might have significant impact on the successful retention of trees. The proposed swales are shown within the root protection area of a number of trees shown for retention. It is questioned whether additional trees would have to be removed to facilitate the surface water wayleave and associated drainage services connecting to the attenuation area. The rising main is shown in the vicinity of trees along the southern boundary.

7.6.4. In relation to the proposed tree planting, the Parks Department report refers to the street tree planting, that the landscape plan does not indicate any public lighting so it is unclear if the proposed tree planting is achievable. A minimum distance of 7 m must be maintained between lamp standards and trees. It also states that some large growing trees are proposed within short distances of buildings, which could pose structural and shading issues.

7.6.5. In my opinion the removal of tree no 44 has not been justified. The removal or severing of a linear feature which provides connectivity for wildlife can only be justified by its replacement or rerouting through the site, which should be

demonstrated on the layout. I share the concerns regarding the potential impacts of the proposed development on the proposed remaining trees, and also the concerns regarding potential conflicts with regard to proposed planting and elements of the proposed development. In particular, where any tree planting is proposed to be provided in private gardens its retention can not be assured even in the medium term, and the potential biodiversity value will be less in such a situation, where understory species are unlikely to become established. A considerable amount of the proposed planting, per drawing Mo.03-DR-201 will be carried out within generous private gardens, but with no guarantee that it will be maintained or retained.

- 7.6.6. In my opinion the loss of existing trees and hedgerows on this site, which provide a linear connection with tree belts to the west and north east, requires replacement by planting in depth, such as along the western and northern boundaries.
- 7.6.7. It is worth noting that the proposed planting to the north, outside the site boundary, is not supported by any consent. The Parks Dept advise that further screen planting should be provided within the site at this location, which would require pulling the proposed development back from the boundary, with a consequent reduction in the development extent. Based on the information available on the file this would be a reasonable requirement.
- 7.6.8. I am inclined to agree with the assessment in the various planning authority reports and to conclude that the balance between residential development and maintaining biodiversity needs to move further in favour of maintaining and enhancing biodiversity; and that in the circumstances of this case the footprint of the development needs to be reduced; which requires re-consideration of the layout.
- 7.6.9. The first party grounds includes a conservation architects report which states that the proposed shared surface and greenspace on the eastside of the site ensures that the residential development is set back from the road, ensuring that the existing character of the R121 is maintained. This is somewhat at variance with the applicant's other submission that the apartment building has specific regard to the orientation of the site towards the public road with the building mass kept closer to the eastern boundary. In my opinion the former function of this corner of the demesne as a buffer to Hollywood Rath House from the road no longer applies. This site is to be part of the development area and to address the road with buildings as

part of the development of this site is an acceptable design response, subject to retaining trees of value in so far as it practicable, and the replacement of any loss of linear planting elsewhere within the site. As regards the proposed increase in height of the apartment building, in my opinion the increase in height would be acceptable in framing this junction. (This is referred to further regarding acceptance of revised drawings below).

7.7. Open Space

- 7.7.1. As pointed out in planning authority reports, the requirement for open space provision in this case is greater than would be the case in an other green field site because the Development Plan has a specific objective (DMS61) to retain in open space use institutional lands, landscaped demesnes and similar properties with established recreational or amenity uses, as far as practicable and in the event of permission for development being granted on these lands, open space provision in excess of the normal standards will be required to maintain the open character of such parts of the land as are considered necessary by the Council for this purpose.
- 7.7.2. There is a divergence of view between the applicant and planning authority regarding the extent of open space being provided. In my opinion the necessity to address the issue of objective NH20 to maintain and/or enhance the biodiversity of the Nature Development Areas indicated on the Green Infrastructure maps, will require additional open space provision. As regards the Parks Department's concern that an electricity substation is not acceptable within open space, it appears to me that the extent to which the area is to be used as a public amenity has a bearing on this issue. Where it is intended mainly as an area to be planted to enhance biodiversity, I would foresee less conflict. Such planted areas would enhance the amenity of the area for residents and contribute towards the open space requirements for the development.

7.8. Other

7.9. Design

- 7.9.1. The issue of urban design has been raised in the planner's report. The site is a single block of land with roads on two sides and bounding private unzoned land on

the others. There is no potential for linkages west towards the avenue or north towards the remainder of the demesne. Pedestrian links through the site will be available from local road to regional road.

7.9.2. The planners report critiques the quality of the design and the detailed finishes and includes reference to some inaccuracies in the drawings. In my opinion the design is generally acceptable. This is not an historic village, development occurring on the other side of the crossroads, which the development addresses, is suburban type development. It is not necessary to reference the gate lodge or Hollywoodrath House in the design. The proposed development has the benefit of creating mass at this crossroads node.

7.9.3. In my opinion the increase in scale proposed at the south-eastern corner of the site, as presented in the revisions submitted for the Board's consideration, comprising an additional storey to the apartment block, would provide a stronger built edge at this location without impacting on the protected structures. The separation from the gate lodge minimises the impact on that protected structure and the proposed intervening two storey development ensures no impact on Hollywood Rath House. Were the Board to consider the proposed revisions submitted, it would require publication of notices and an invitation for submissions, since these proposed revisions were not part of the planning application and are significant departures therefrom.

7.10. Sightlines & Access Issues

7.10.1. The Transportation Planning Section intended that revised drawings would be requested showing sightlines for a 60kph speed limit required, including forward SSD on the R121 from the north, because the entrance has been designed for a 50kph speed limit where a 60kph speed limit applies. Other issues were raised as desirable improvements from the point of view of access, including widening of the public footpath and making provision for cyclists. Although the planner's report states that the provision of sightlines could require the removal of boundary wall it is not clear to what extent the roadside boundaries are in their original condition and to what extent they have already been modified. The provision of necessary sightlines could be addressed by minor modifications to the proposal.

7.11. Existing Septic Tank

7.11.1. The location of the existing septic tank which serves the gate lodge, is shown on map in the area west of the proposed apartments where proposed car parking is indicated. It is not otherwise referred to. Drg No 101, drainage layout, doesn't show the existing services to the gate lodge connected to the proposed foul sewer. It has not been stated or otherwise indicated that the proposed development will include the connection of this dwelling into the proposed foul sewer and this is a matter which requires resolution.

7.12. Drainage & Wayleaves

7.13. The Water Services Department have raised issues in relation to drainage. A portion of the (foul) rising main is outside the red line, to a sewer which has not been taken in charge such that consent and capacity information is required. The proposed surface water outfall route crosses third party lands, and the existing 450mm pipe into which it will connect appears to be in private ownership. Legal permission and a minimum 6m wayleave are required. They have also reported that the critical 100 year event has not been identified in the surface water calculations and the proposed storage volume may be undersized and that the proposed detention basin does not allow for any freeboard. These matters remain to be resolved.

7.14. Noise

7.14.1. Although not raised in the planner's report, noise was referred to by the Dublin Airport Authority and has been raised in the planning authority's submission on the appeal. The applicant's response, which includes an expert report and proposed mitigation measures in relation to the design and construction of the proposed dwellings, is acceptable, and noise should not be a reason to refuse permission.

8.0 Recommendation

8.1.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed development fails to achieve the necessary balance between residential development of this zoned land and maintaining and enhancing the

biodiversity value of the site which is required by its designation as a nature development area; accordingly the proposed development would be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information available on the file the Board is not satisfied of the need for the removal of tree no 44 which is of amenity value, and the proposed development is not adequately detailed in relation to the retention and protection of existing trees and the provision of additional tree planting, to satisfy the Board that the measures proposed are likely to be successful; accordingly the proposed development would be contrary to the proper planning and sustainable development of the area.

Planning Inspector

8 November 2019

Appendices

Appendix 1 Photographs

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

Appendix 3 Dublin Airport Strategic Noise Mapping 2016 maps downloaded from DAA website.