



An
Bord
Pleanála

Inspector's Report

ABP-305478-19

Development

Construction of a mixed use residential and retail scheme.

Location

Weaver's Row, Clonsilla Road,
Clonsilla, Dublin 15.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW19A/0112

Applicant(s)

Aldi Stores (Ireland) Ltd

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Aldi Stores Ltd

Observer(s)

Anne O'Neill

Wolfgang Stengel

Date of Site Inspection

15th of January 2020

Inspector

Angela Brereton

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1.0 Site Location and Description

- 1.1. The subject site is located in Clonsilla village to the south of Blanchardstown in west Dublin. It is a rectangular shaped site, on a strip of land in an area, known as Weaver's Row. The site covers an area of 1.46 hectares and is approximately 220 metres in length and between 55 and 70 metres in width. It is currently vacant, is greenfield and relatively flat. There is a c.2m palisade fence and gated entrance along the site frontage with the Clonsilla Road (R121). The site is subdivided further by a more centrally located fenced off area. There were horses grazing the southern part of the site on the day of the site visit. There are trees and hedgerows along the western and southern site boundaries. The Royal Canal and tow path runs in close proximity to the southern boundary of the site.
- 1.2. Lands to the immediate west of the site are undeveloped and cordoned off by walls and fencing, with an old derelict single-storey shed type structure located to the front of the site. Lands to the rear of this shed are undeveloped. This adjoining site is currently on the market with 'For Sale' signs displayed. Further west is the 'The Church of Latter Day Saints' located fronting onto the Clonsilla Road (R121), with parking at the rear. Lambourn housing estate is further to the west.
- 1.3. Lands to the east of the site accommodate a number of late 19th century/early 20th century single-storey rural type cottages together with outbuildings fronting directly onto the Clonsilla Road, including a single storey cottage in close proximity to the north eastern boundary. Lands to the rear of these cottages and adjacent to the eastern boundary of the site accommodate a newer suburban residential development called "The Village". Lands directly opposite the site comprise of a public open space associated with the suburban residential development of Castlefield Woods. This estate comprises mainly of semi-detached dwellinghouses.
- 1.4. The Clonsilla Road comprises of a relatively narrow single carriageway with footpaths on both sides of the road. It links up with the Blanchardstown Road via a roundabout further east of the site. The Blanchardstown Road runs northwards towards the Blanchardstown town centre and the N3 further on. The Clonsilla Road to the west of the site runs towards Clonsilla Station and on southwards onto Lucan. A level crossing is located between the junction of Clonsilla Road and Clonsilla rail station.

- 1.5. The main commercial centre associated with Clonsilla Village is located on the southern side of the road to the east of the site between the subject site and Porterstown Road which runs southwards from the Clonsilla Road approximately 350 metres further east of the site. The commercial activity centres on a local Spar shop, post office, public house and takeaway restaurant. This neighbourhood commercial centre is located approximately 150 metres east of the site. St. Mochtas school is located further east of the neighbourhood centre adjacent to the Porterstown Road.

2.0 Proposed Development

- 2.1. Aldi Stores (Ireland) Limited has applied for permission for the subject development on a 1.4604ha site at Weaver's Row, Clonsilla, Dublin 15. This is to consist of the following:
1. The Construction of a 2 storey commercial block fronting Weavers Row, incorporating a foodstore measuring 1,790sq.m gross (1,315sq.m), with ancillary off-licence sales area, at ground level including an external service area; a crèche totally 599sq.m at ground and first floor;
 2. Associated signage consisting of 2 internally illuminated fascia signs (5.11sq.m and 5.11sq.m), 1 no. Illuminated fascia sign 1.83sq.m, 1 no.double sided internally illuminated pole sign to include opening hours with a total area (front and back) of 10.22sq.m and 3.34sq.m; 2 no. poster frame, double sided signs at external trolley bay (3.45sq.m each); 2 back lit crèche fascia signs of 5.52sq.m and 5.44sq.m);
 3. Construction of 32no. dwellings comprising 19 no. apartments i.e. - Block 1: 4 storeys containing 3no. 1 bed units, 8 no. 2 bed units, 2 no. 3 bed units. Block 2:- 2 storey containing 2no. 2 bed units and 1no. 2 bed duplex unit; and 13no. 3 bed houses, all 3 storey;
 4. 154no. surface car parking spaces, 97 to serve the commercial block and 57 to serve all the houses;
 5. 44no. cycle spaces;
 6. Revised vehicular access off Weavers Row;
 7. All landscape, boundary treatment and site development works.

2.2. Documentation submitted with the subject application includes the following:

- Planning Report & Retail Impact Statement – O’Connor Whelan Limited
- Architectural Design Approach for the Mixed-Use Development- Carew Kelly Architects
- Green Roof Specification - ditto
- Traffic Impact Assessment -TPS Limited
- Engineering Assessment Report – Waterman Moylan Engineering Consultants
- Flood Risk Assessment – Waterman Moylan Engineering Consultants
- Drawings - Carew Kelly Architects

3.0 Planning Authority Decision

3.1. Decision

On the 23rd of August, 2019 Fingal County Council refused planning permission for the proposed development for 3no. reasons as follows:

1. *The proposed development has a substandard layout, particularly in terms of the integration with adjoining sites and streetscape that would result in a disjointed and uncoordinated development. When taking account of future vehicular traffic this would result in significant deficiencies in the access arrangements to the site from the Clonsilla Road. This, combined with lack of adequate provision for permeability, pedestrian and cycle movements within and through the site, the dominance of surface car parking, and the lack of an appropriate set down and pick up area for the creche giving rise to conflicting vehicular movements, would endanger public safety and create a serious traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area and the main principles of DMURS.*
2. *The proposed development would be detrimental to the residential amenities of future residents having regard to the significant deficiencies in the quality*

and extent of usable open space provision due to the excessive reliance to meet SuDs requirements and as such be contrary to Objectives DMS57 and DMS73 of the Fingal Development Plan 2017-2023. Furthermore, the substandard nature of the landscaping scheme due to the dominance of surface car parking and hard landscaping throughout the scheme, lack of soft landscaping particularly to the car parking areas and inadequate detailing of the treatment to the interface of lands, to the south would, therefore be contrary to the proper planning and sustainable development of the area.

3. *The proximity of the proposed detention basins to the apartment block (c. 1.0m) and certain houses (c. 1.5m) and associated depth are not acceptable with regards to residential development, especially given the potential presence of water. Furthermore, the proposed design of the detention basin provides no allowance for freeboard and accordingly the finished floor levels are not in accordance with the requirements of the GDSDS and would therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner had regard to the locational context of the site, planning history and policy, to the submissions made and the departmental reports. They provided a detailed Assessment of the proposal. Their conclusion noted that the proposed development provides for mixed use, retail, crèche and residential development on a site zoned for town centre uses. These uses are permitted in principle in the Fingal Development Plan. They provide that notwithstanding this and the acknowledged attempts the applicant has made to address the previous reason for refusal, there remain serious concerns regarding the layout of the scheme particularly from traffic, parking perspective and issues surrounding design, the inadequate provision of usable open space, drainage arrangements and inadequate landscaping. They consider that to adequately resolve these issues would require significant fundamental changes to the scheme and layout and they therefore recommended that the application be refused.

3.3. Other Technical Reports

Transportation Planning Section

They have concerns about access and traffic safety, compliance with DMURS, the proposed internal roads layout, connectivity and permeability, lack of creche set down area, over reliance on surface car parking, lack of cycle parking facilities, a Mobility Management Plan has not been submitted. They note that there are a few deficiencies in the Traffic Assessment. They conclude that overall the proposed layout would be considered inadequate and not encompass the main principles of DMURS. They provide that significant alterations would be required in a revised layout. If planning permission is to be granted they recommend that additional further information be submitted relative to a number of issues.

Water Services

They request that additional information be required relative to concerns with regards to the proximity of the proposed detention basin to the apartment block and certain houses, being unacceptable. Also, that there is no allowance being provided for freeboard. The applicant is required to amend the design to provide for adequate freeboard and to revise the finished floor levels in accordance with the requirements of the GDSDS.

Parks and Green Infrastructure Division

They have regard to Objective DMS73 of the CDP and do not accept that the proposed SuDs contribution is positive and are concerned that it will minimise the use of the public open space. They request that a revised landscape plan be submitted and also a street tree planting plan, and a taking in charge drawing.

Environmental Health Officer

They require additional information to include a detailed acoustic assessment of the operation of the development. The proposed operation and a noise policy on delivery vehicles must be submitted.

3.4. Prescribed Bodies

Irish Water - They have no objections subject to recommended conditions

3.5. Third Party Observations

A number of submissions have been made by local residents and by elected representatives. These have been taken into account in the Planner's Report and the following is a brief summary of the main issues raised:

- The application is similar to previous plans that have been refused and should be rejected.
- The proposed design and layout including the signage would not be sensitive to the historic character of the village. The proposal would be out of character with the area.
- There is a need for integrated coordinated development and reference is had to the lack of the Urban Framework Plan. Prematurity of the application pending the creation of the Urban Framework Plan for Clonsilla Village.
- Concern about the design and layout and creating linkages to adjoining sites.
- Residents in 'The Village' estate object to linkages to the subject site.
- Concern relative to linkages to the Royal Canal Greenway.
- Height of the apartment block at the rear of the development
- Impact on privacy and amenity of existing residents. There is a lack of public open space and the need to protect trees and habitats.
- Concerns relative to the Aldi include opening hours, noise, flood lighting and possible anti-social behaviour.
- The proposal will lead to traffic congestion and will exacerbate parking problems in the area.
- The area is over serviced and there is no commercial or community need for the proposed Aldi development.
- Drainage issues
- The proposal will not enhance the character of the Clonsilla area and is not consistent with the proper planning and sustainable development of the area.

4.0 Planning History

4.1. This includes the following:

- **Reg.Ref. FW14A/0144 / Ref. PL06F.245446**– Permission granted subject to conditions by the Council and subsequently refused by the Board, to Aldi Stores (Ireland) Ltd. for in summary the Construction of a mixed use residential and retail development including foodstore, off-licence, crèche and 20 houses (reduced to 19 by additional information submission) with all associated site works at Weaver’s Row, Clonsilla, Dublin 15.

The Board’s reason for refusal dated the 27th of January 2016 was as follows:

It is an objective in the current Fingal County Development Plan 2011-2017 to implement the Urban Centre Strategy for Clonsilla. The site of the proposed development forms a significant portion of undeveloped lands within the Urban Centre Strategy which are identified as Opportunity Area number 3. The Strategy recognises that this area presents the best development opportunity and is the appropriate location to integrate and consolidate the village core thereby enhancing and protecting the character of the village. The proposed development, by reason of lack of integration with adjoining areas would result in a disorderly form of development on this important site within the village and would set a precedent for similar non-integrated development in this centrally located site and would, therefore, fail to comply with the policies and objectives set out in the Urban Centre Strategy for Clonsilla and the current Fingal County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- **Reg. Ref. F07A/1075/ Ref. PL06F.226486** - The Council refused planning permission for the demolition of three houses and the construction of a mixed use residential and retail scheme comprising a discount foodstore, four retail units and 60 apartments in blocks on the subject site. The overall layout involved a large retail store to the front of the subject site and six apartment blocks to the rear. This was subsequently refused by the Board - in its decision dated 25th of September 2008 on the following grounds:

“It is the objective of the current Fingal County Development Plan to enhance and develop the urban fabric of the village centre of Clonsilla to the preparation of an urban centre strategy centre for Clonsilla. The site of the proposed development forms a significant portion of undeveloped land within the boundary of Clonsilla village. It is considered that the proposed development fails to meet the objectives of the strategy to create a new village centre at this location, to create a civic area adjoining the canal and allow for the future connection to lands at Kellystown on the opposite side of the canal. These objectives are considered to be reasonable. The proposed development, by reason of lack of integration with adjoining areas would result in disorderly form of development on this important site in the village, would set a precedent for similar non-integrated development in this centrally located site and would therefore fail to comply with the policies and objectives of the Development Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- **Reg.Ref. F06A/0038/Ref.PL06F.217020** – Permission refused by the Council and subsequently by the Board for a Mixed use residential and retail scheme comprising foodstore, 3 retail units, signage, 100 apartments, parking, landscaping and site development works.

The Board’s decision is dated the 8th of August 2006 and 4no. reasons for refusal are given which include relative to non-integrated form of development, detrimental to the residential amenities of future residents, design and layout, deficiencies in parking provision and in permeability.

Copies of these decisions are included in the History Appendix of this Report.

5.0 Policy Context

5.1. It is submitted that the key policy and guidance documents of relevance to the proposed development include the following:

- National Planning Framework 2040 Rebuilding Ireland -Action Plan for Housing and Homelessness

- Regional Planning Guidelines for the Greater Dublin Area 2010-2022
- Retail Planning Guidelines 2012
- Retail Strategy for the Greater Dublin Area, 2018-2016
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and accompanying Urban Design Manual
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHPLG, 2018)
- Design Manual for Urban Roads and Streets (2019)
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)
- Habitats Directive -Appropriate Assessment

5.2. Fingal County Development Plan 2017-2023 Development Plan

Chapter 2 – Consolidation Areas within the Gateway

Clonsilla is included as a settlement with its own distinct character and sense of place. Regard is also had to the railway station at Clonsilla and the connections to the Maynooth line and M3 Parkway railway spur.

Chapter 3 – Placemaking

Reference is made to the distinct urban village of Clonsilla. The Urban Place Designation Table includes Clonsilla in the Town and District Centres (TC) category.

Chapter 4 – Urban Fingal

The subject site is located in Clonsilla Village - *Clonsilla is a local centre with a limited number of retail and other commercial activities. There are important pockets of undeveloped lands within the village which can provide opportunities for consolidation of the existing dispersed linear character of the village and realise the potential of the Royal Canal as a valuable amenity.*

The Development Strategy seeks to: *Enhance the village character while encouraging suitable retail, commercial and residential uses are provided for.*

Objective Clonsilla 1 - *Prepare an Urban Framework Plan to guide and inform future development; and to include measures to improve and promote the public realm of the village, in addition to traffic calming measures along the main street from St Mary's Church of Ireland to St Mochta's National School.*

Objective Clonsilla 2 – *Develop key sites within the village for mixed use including a residential component to enhance the viability and vitality of the village while ensuring new developments do not exceed three storeys.*

Objective Clonsilla 3 - *Require that new development in the village optimises the Royal Canal, where appropriate and possible, as a local heritage resource and public amenity, while protecting its character and biodiversity as a waterway.*

Objectives Clonsilla 4 – 7 refer to conservation, environment, the Royal Canal and the creation of a network of pedestrian and cycle routes.

Chapter 6 – Economic Development

Table 6.1 provides the Fingal Retail Hierarchy. Clonsilla is included within a Level 4: Small Town and Village Centre and Local Centres. *Level 4 Centres should generally provide for one supermarket ranging in size from 1,000-2,500 sq m with a limited range of supporting shops (low order comparison), supporting services, community facilities or health clinics grouped together to create a focus for the local population. This level of centre should meet the everyday needs of the local population and surrounding catchment.* It is provided that the Appropriate Retail Format is: *Lower Order Comparison (limited to a small number of shops meeting local needs) Supermarket.*

Chapter 11 – Land Use Zoning Objectives

As shown on Sheet 13 Blanchardstown South, the site is shown within the 'TC – Town and District Centre land use zoning where the objective is to: *Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.*

The proximate land to the east and west is within the 'RS– Residential land use zoning where the objective seeks to: *Provide for residential development and protect and improve residential amenity.*

The site is within an 'Urban Framework Plan' area.

The land to the south shown 'MP13B is within a Masterplan area' and to the south of the railway line as being within LAP13C (subject to Local Area Plan) both of which appear to be envisioned as future residential areas i.e 'RA -Residential Area to: *Provide for residential development and protect and improve residential amenity.* These are referred to in Objective Blanchardstown 18.

The red line to the north west denotes a Quality Bus Corridor.

The Site is within the 'TC' Town and District Centre Zoning.

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.*

A Table provides The Uses Classes Related to Zoning Objective. It is noted that the proposed uses would be permitted in principle.

Chapter 12 – Development Management Standards - These refer to policies and objectives relative to sustainable planning and development and include:

In all development proposals, it is the aim of the Planning Authority to promote a high standard of design and amenity and to complement the existing character of a particular area. Proposals must comply with the standards and criteria that apply to particular development types, be consistent with the objectives set out in the preceding Chapters and be compliant with relevant legislative guidance.

Section 12.3 provides the 'Design Criteria for Urban Development'. This includes: Design principles shall be based on the *Sustainable Residential Development in*

Urban Areas - Guidelines for Planning Authorities and Best Practice Urban Design Manual (DoECLG 2009). These guidelines set out twelve design principles that are to be applied in future development schemes. Objective DMS03 provides for a detailed design statement to be submitted for developments in excess of 5 residential units or 300sq.m of retail/commercial/office development in urban areas.

Open Space

Objective DMS57 - 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 DMS73 - Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum 10% of open space provision shall be taken up by SuDS. The Council will give consideration to the provision of SuDS on existing open space, where appropriate.

5.3. Clonsilla Urban Centre Strategy 2008

The purpose of this Strategy Document is to create a realistic vision for the centre of the village, drawing on the support of all interested parties to produce a tangible programme of actions to enhance the vitality and viability of the village. Key development sites were identified and sketch briefs prepared and key public space objectives were set out. MacCabe Durney Barnes prepared the strategy on behalf of Fingal County Council. It was presented to and noted by the Castleknock Mulhuddart area committee on the 14th of May 2008.

Map 3 shows the area within 'Opportunity Site 3'. It is shown as part of a larger site area combined with the adjoining site to the west. Also, of note is that significant Tree Groupings are shown along the eastern, western and southern site boundaries.

Section 7 refers to Consolidation and Enhancement and 7.1 to Opportunity Areas

Area No. 3 - *This is the largest landbank and includes those lands to the East of the Mormon Meeting Hall. These lands are in two ownerships which may be combined to facilitate an integrated mixed use development of retail, general business use, restaurants, crèche, underground parking, pedestrian links to Canal and new civic space. The area presents the best development opportunity and is the appropriate location to integrate and consolidate the village core, thereby enhancing and protecting the character of the village. The zoning is mainly "SC" for a site area of 3.38 ha.*

5.4. Natural Heritage Designations

None

5.5. EIA Screening

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

O'Connor Whelan Planning Consultants have submitted a First Party Appeal on behalf of the Applicants ALDI Stores (Ireland) Limited, against the Council's Decision to Refuse permission for the proposed development. They have regard to the Planning History and to the Site Context. Their Grounds of Appeal seek to address the Council's reasons for refusal and include the following:

- They have regard to the overall development in each of the applications previously refused and provide that none of the reasons for refusal relate to the reasons for refusal in the current application. They note the Board's single reason for refusal relative to their most recent decision in Ref. PL06F.245446.

- The general layout, the access, the traffic, the public open space and the drainage has not changed in this current application. They are therefore surprised at the Council's reasons for refusal attached.
- As outlined in the Planning Report a number of pre-application consultations took place with the Council. The purpose of these meetings was to discuss the various design options for the site and to inform the Council of the efforts of Aldi to engage with adjoining landowners.
- It was generally agreed that Aldi had made exhaustive efforts with adjoining landowners and as a result of failing to reach any sort of agreement on a joint approach, Aldi should proceed in lodging a planning application as opposed to effectively 'freezing' their lands from development.
- No issues were ever raised in relation to the reasons for refusal attached to the current application. They provide that Aldi met with adjoining landowners (those that would talk to them) to agree that the layout would work and they were supportive.
- They consider that the Council's reasons for refusal are technical by nature and should have been dealt with by way of a Further Information request. The reasons are contradictory, particularly conditions 2 and 3. Also that these issues were never raised previously by the Council or the Board.
- They note that none of the various Departments in the Council i.e Transportation, Landscape or Water Services recommended a refusal. All requested F.I. In this context they are concerned as to why the Planning Authority recommended a refusal.
- They provide details in response to address the Council's reasons for refusal. These are summarised below:

Reason for Refusal No. 1

- They note that the Transportation Planning Section of the Council within their internal report did not recommend refusal but sought additional information and they provide details and a response to the issues raised.

- They provide Background Technical Information for the Board. This essentially relates to the layout, traffic and access.
- They have regard to Traffic Modelling, and computer modelling of junction capacity also taking note of peak hours.
- The omission of the right turning pocket limits the operational capacity within this junction which is a key objective of DMURS placing a higher value on sustainability and non-car models such as pedestrians and cyclists.
- They agree with the Local Authority that a form of pedestrian crossing should be provided. They suggest that if the Board are minded to grant permission for the development the provision of such a crossing should be conditioned and the location of such a crossing to be agreed with the Local Authority.
- The proposed Aldi site access off the Clonsilla Road does not prejudice the provision of a cycle facilities along this section of the Clonsilla Road as set out within the Cycle Network Plan for the Greater Dublin Area.
- The revised set down area for the proposed creche is shown on the drawings submitted with their appeal.
- They provide details of extent of cycle parking associated with the development proposal is shown on Table 3.2. and the drawings submitted with their appeal and they provide that it fully complies with standards.
- The level of traffic information submitted with this planning application contained robust technical traffic data capacity and parking assessments to enable the Local Authority to positively consider this mixed-use planning application.
- An auto track assessment has been undertaken. This revised tracking arrangement is shown in the Waterman Moylan Consulting Engineers Report included with the appeal.
- In view of the low staffing levels proposed they consider that the submission of a Mobility Management Plan is not essential in this case. Notwithstanding such a plan can be prepared if considered appropriate.

- If the Board are minded to grant permission for this mixed development welcome travel information packs can be included when necessary.
- The internal roads within the site are not being taken in charge and as such a taking in charge drawing is not required.
- They note changes to the proposed access as a result of the concerns raised by the Council's Traffic Section and refer to the revised drawings submitted with the appeal.

Reason for Refusal No.2

- This relates to the quality of open space and the use of that public open space for SuDs. They consider that there is an inherent contradiction between reasons of reasons 2 and 3.
- Fingal County Council and all other planning authorities require SuDs. Attenuation is in almost all circumstances within proposals that have green spaces, to be contained within that space as opposed to a tank. This is what currently was originally proposed.
- They have regard to planning policies relative to public open space in the Fingal DP and consider that this requirement has been met. Also noting, that to allow further increase of the public open space would drastically reduce the density of the development.
- They note drainage from the site and provide that the design of the surface water runoff system has been amended to allow for separation of the retail and residential areas of the site. They refer to revised drawings submitted.
- They provide that the adjustment to the drainage design overcomes Reason No. 2 for refusal. The landscape design is suitable for the proposed residential area, and appropriate as an amenity space for the future residents.

Reason for Refusal No. 3

- This relates to the proposed detention basin, its design and proximity to the proposed residential units. As outlined in their response to reason no. 2 the surface water drainage system has been redesigned to separate the attenuation storage for the retail and residential elements of the scheme.

- They provide that the provision of underground storage and the removal of the detention basin ensure that the issues raised in Reason no.3 are no longer applicable.

Other details of note

It is also of note as per the documentation submitted, O'Connor Whelan on behalf of the applicants notes that there was a single reason for refusal (Ref. PL06F.245446) and that this essentially states:

The proposed development by reason of lack of integration with adjoining areas would result in a disorderly form of development on this important site within the village and would set a precedent for similar non-integrated development in this centrally located site.

Their response includes the following:

- There are effectively two landowners on this zoning objective: Aldi and Anne O'Neill, who owns a similar plot to the west. Since the Board's decision dated 28th of January 2016, they provide that they have attempted to engage with Ms O'Neill's planning consultants and solicitor and provide details of this. They provide that they have had no success to date in providing a joint approach to the two sites.
- They have regard to pre-planning meeting with the Council. They provide that Aldi is not in a position to wait any longer for a joint approach to the development of the site and adjoining lands, despite efforts to try and ensure same. In this regard they seek permission on the Aldi lands only.

6.2. Planning Authority Response

Fingal County Council consider that the issues were adequately raised in the Planner's Report dated 23rd of August 2019. They have reviewed the contents of the First Party appeal submission prepared by O'Connor Whelan Limited and they ask the Board to take the following into consideration in the subject scheme:

- While they note the First Party's contention that the reasons for refusal of the Planning Authority are technical in nature and could have been addressed by Further Information, it is the P.A's contention that the design and layout of the

proposed development, together with its integration and level of connectivity with Clonsilla village point to fundamental flaws in the overall design of the proposal that could not be addressed in the manner suggested.

- They ask the Board to note the planning history of the site and the re-occurrence of previously identified deficiencies/concerns relative to the design under FW19A/0112.
- In particular the P.A has serious concerns in relation to the disjointed and uncoordinated approach, the deficiencies with regard to the access arrangements from Clonsilla Road, and the substandard arrangements with regard to permeability, pedestrian/cycle movements and creche access, all of which are fundamental to the delivery of a high quality urban quarter on the subject lands.
- They provide that having received the documentation submitted by the First Party, they remain of the opinion that the reasons for refusal have not been addressed and the aforementioned shortcomings in the design approach taken with respect to this important town centre site remain. They request the Board uphold their decision to refuse permission.
- In the event of the appeal being successful they request that provision be made for a contribution in accordance with the Section 48 Development Contribution Scheme and Section 49 Clonsilla Dunboyne Supplementary Scheme in the Board's determination.

6.3. **Observations**

These have been received from the following:

- Anne O'Neill – adjoining landholder
- Wolfgang Stengel – local resident

As they raise different issues they are considered separately below:

Anne O'Neill

Her letter and observations sent to the Council are included for further consideration by the Board. She provides that these are helpful and of a positive nature and would be of benefit to the Board in considering further the appeal by Aldi.

- Note is had, of the importance that the Aldi site has to the future development of her own property and also that it is incapable of being development in its own right at present.
- She is of the view that the planning policies existing in respect of her property and of the adjoining Aldi owned property have resulted in her property being unsold after 12 months on the market.
- Her property is now proposed to be placed on the Vacant Sites Register by Fingal County Council and she is currently appealing this proposed inclusion to them and if rejected, to An Bord Pleanala in due course.

Original Observation to the Council

- This is concerned that the proposed development has considerable implications for the future development access to her lands and for the proper planning and development of the area.
- She refers to discussions her agent has had with the adjoining Aldi landowner, and considers it not correct to say such discussions did not take place.
- She assured the Council that she does wish to see an integrated village scheme occur but also expects the principle of equivalence to apply.
- She asks the Council to allow unfettered access to roads and services, which does not involve future cost claw back, for bringing an access road and services to her eastern boundary.
- She asks that any new road, services and open space should be taken in charge by the Council.
- Alternatively, she seeks clarification as to whether the new road will be transferred to a management company and whether a share in such a management company would be offered to adjoining owners. She wishes to

understand how the maintenance costs of such a private road will be divided between the parties in the future.

- She seeks more information on the capacities of the services generally so her lands will not be disadvantaged.
- Also, that planning permission be conditioned to require the future developer to construct both the commercial and residential buildings all at the same time and to further suggest that the proposed store not be permitted to trade until the houses are all ready for occupation.
- She notes the sketch designs shown on her lands of apartment and houses and that such designs, densities and layouts have no current planning status.

Wolfgang Stengel

- Aldi put forward a more or less identical development proposal as the previous development plan rejected by the Board.
- This is not a joined proposal with the neighbouring site (currently under tender) as requested during the previous planning process, but a mere suggestion as to how the site could be developed.
- Concerns about the 4 storey height of the apartment buildings proposed, 3 stories would be more suitable.
- The proposal is not in line with the previous Fingal DP calling for the development of Clonsilla village centre.
- A new development plan is currently in preparation and they ask that until then the existing plan be applied.
- Kellystown is currently being developed and will be linked across the channel into the current Aldi site. As such this crucial location will not only support Clonsilla but Kellystown becoming a real centre for both communities.
- The Aldi site further fragments the various trades in Clonsilla instead of integrating them into one single site. They refer to Roselawn Shopping centre.
- The proposal does not include any measures to calm traffic on the already busy road with insufficient footpaths proximate to St. Mochta's NS.

- No efforts were made by Aldi to discuss their application with the local community to get an amicable proposal taking account of the number of previous applications.
- Aldi filed their planning permission during the Christmas season when people are away to make timely observations.
- The site including the adjoining vacant land is ideal for developing a real community/village centre as proposed in the Fingal DP.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The proposed development provides for mixed use retail, crèche and residential development on a site zoned for town centre uses, under the 'TC' land use zoning, in the urban centre of Clonsilla. Such uses are permitted in principle in the land use zoning. The Fingal DP notes that Clonsilla is a local centre with a limited number of retail and other commercial activities. The Development Strategy seeks to enhance the village character while encouraging suitable retail, commercial and residential uses are provided for and Objective Clonsilla 2 supports the development of key sites. Regard is had to sustainable development in Objectives Clonsilla 1 to 7 (as noted in the Policy Section above).
- 7.1.2. The First Party provide that the existing planning application is most similar to the previous application in 2014, which was granted by the Council. They note the Board's single reason for refusal relative to Ref. PL06F.245446. They provide that the proposed development involves the development of a vacant, appropriately zoned and serviced site, providing a piece of retail infrastructure that is in short supply in the area at present; and residential development that is in much demand. It is noted that a Retail Impact Statement and Traffic Impact Assessment are provided. They also note that the residential density of the current proposal has been increased in accordance with policy.
- 7.1.3. There is concern that Objective Clonsilla 1 (as noted in the Policy Section above) cannot be complied with in that an Urban Framework Plan to guide and inform future development in Clonsilla has not yet been undertaken by the Council. That in this

context the proposal is premature. This is a key site within the village centre and that if it is developed without such a plan in place, it would undermine the future such plan and lead to uncoordinated piecemeal development. Also, that in light of the large number of individually owned sites in Clonsilla village, that it is not possible to coordinate sustainable development within the village without the Urban Framework Plan. The comments of the Observer who is the adjoining landowner on the site to the west are noted in this respect.

- 7.1.4. The Development Management Guidelines 2007 provides that if a development is genuinely premature, the application ought to be refused. Section 7.16.1 provides that: *In general, prematurity arises where there are proposals to remedy the deficiency.* It also provides that if there are no such plans to remove the constraints within a reasonable period, this form of wording should not be used as a reason for refusal. However, it is of note that, Objective Clonsilla 1 of the current Fingal DP clearly provides for the provision of an Urban Framework Plan to guide and inform future development.
- 7.1.5. Reference is also had to the Clonsilla Urban Centre Strategy 2008, where as shown on The Study Area - Map 1, the subject site is located centrally within this area, with the Clonsilla Road forming the northern boundary and the Royal Canal the southern boundary. It forms one of a number of either undeveloped or partially developed adjoining elongated rectangular plots. Map 3 includes the subject site as part of 'Opportunity Site 3', along with the adjoining lands to the west. Map no. 5 'Strategic Actions' indicated these lands for 'New Village Centre Mixed Use'. This Strategy seeks to provide opportunities for consolidation of these undeveloped lands. It includes various policies and objectives to develop these sites and to enhance the character of the town centre. It is noted that the Board refusal relative to the previous application of the site – Ref. PL06F.245446, was concerned with the lack of integration with adjoining sites and the need to facilitate consolidation within the village.
- 7.1.6. In this respect, regard is had to the current proposal and to the planning history relative to the previous Board refusals on this site, in particular the most recent Ref. PL06F.245446. It is now of consideration as to whether these reasons for refusal along with the Council's current more technical reasons for refusal can be overcome in the context of the current application. Also, whether in the interest of the proper

planning and sustainable development of the area and in the absence of the Urban Framework Plan and consent from the adjoining landowner to the west, it would now be deemed satisfactory that this site be looked on as a separate development entity in its own right. Thus, while there is a need to conform with Objective Clonsilla 1, i.e. the onus being to provide integrated and coordinated development for Clonsilla village centre, regard is had to the details submitted in the current application. Note is also had of the documentation on file and the additional information and revised plans submitted as part of the First Party Appeal submission and the issues raised in this Assessment below.

7.2. Differences between Current and Previous Proposals

- 7.2.1. As noted in the Planning History Section above, while relatively similar to plans for a mixed-use development on this site in the previous application Ref.06F.245446, there are changes in the description of development and in the design and layout. The current application includes a greater variety and mix of unit types and the residential density has been increased. The number of units is shown increased from 20no. to 32no. units on site.
- 7.2.2. The First Party contends that the decision by the Council in the current application, bears no relevance to either the previous decisions from the Board or to the pre-application discussions held with the Planning Authority. The Planning Report submitted with the application, provides a justification for the proposed development and they consider that they have addressed the previous reasons for refusal on this site. They provide that the layout of the proposed development has been designed to facilitate linkages and the development of the neighbouring lands.
- 7.2.3. The site area shown in the current application is similar to the previous application. As before this is presented as a stand-alone site. The revised plans submitted with the First Party Appeal indicate a roundabout to provide linkages on the western site boundary and also show some indicative plans for the adjoining site to the west. It is of note that the landowner of the adjoining site points out that she has not given permission for the development of her lands (which also form part of Opportunity Site 3) and this does not form part of the current application.

7.2.4. Also, of note is that the subject application is presented under a different Development Plan i.e the Fingal Development Plan 2017-2023 is now the current plan, where notably, there are some differences in policies and objectives and in development management standards. However, as noted in the Policy Section above the Urban Framework Plan for Clonsilla has not yet been drawn up and implemented and the Clonsilla Urban Centre Strategy 2008, remains to be adopted. So, in this respect while there is a new development plan in place, this issue relative to the need for integrated and coordinated development approach to these opportunity sites, in Clonsilla remains. Similarly, the issue of precedent for the subdivision of these opportunity sites is of concern relative to the formation of piecemeal development.

7.3. Design and Layout

7.3.1. The proposed development is for an Aldi discount food store of some 1,790sq.m g.f.a and a creche of 599sq.m and dedicated car parking spaces for the commercial and residential elements. The development also includes 32 mix of residential units of which 13 are residential houses and 19 are residential apartments/duplex units all on a site of c. 1.46ha. The proposal includes all associated infrastructure, drainage works, potable water supply and road works. The development is laid out such that the commercial and crèche elements of the scheme are on the northern portion of the site nearest to Clonsilla Road with the residential component to the southern end towards the Canal. Regard is had to the Planning Report and Architectural Design Approach documents submitted with the application. It is also noted that drawings including 3 D views of the proposal have been submitted.

Commercial Block

7.3.2. It is proposed to provide a 2 storey commercial block fronting Weaver's Row. The Aldi foodstore with a g.f.a of 1,790sq.m (1,315 sq.m net), with ancillary off-licence sales area all at ground floor level is shown adjoining and sited to the rear of the two storey crèche. The plans show a warehouse element adjoining and accessed via the delivery area to the east. The Aldi store is unusual in that it turns its back to the main road and thereby is accessed from within the site rather than straight off the road. This creates a covered pedestrian walkway along the side of the store.

- 7.3.3. The commercial block is laid out so that the primary entrance to the Aldi store will be from the rear car parking area, with an entrance also provided adjacent to the plaza at the front of the buildings. Access to the crèche is to be from the front with car parking provided at the side of the building. 97no. surface car parking spaces are to be provided to serve the retail and crèche.
- 7.3.4. A crèche is proposed at ground and first floor levels. This is to have a total floor area of 599sq.m i.e 308sq.m at ground floor level, and 291sq.m at first floor level. The crèche is shown adjoining the Aldi building and is to be located along the site frontage with the Clonsilla Road. The external space for the crèche is shown on the first floor level.
- 7.3.5. Details relative to the proposed operations of the crèche have not been submitted. Regard is had to the provisions of the DoEHLG '*Childcare Facilities Guidelines for Planning Authorities (2001)*' and to Objective DMS94 relative to the provision of such facilities in the Fingal DP. This includes: *For new residential developments, the most suitable facility for the provision of full day care should be a purpose built, ground floor, stand-alone property.* However, while crèche facilities adjoining the Aldi maybe permissible, it is noted that as shown in the revised plans, the parking including set down facilities are not ideal in that they are shown within the surface parking area to the side and not adjacent to or within the grounds of the crèche. This would be contrary to the said Objective relative to the provision of *Safe access and convenient off-street parking and/or suitable drop-off and collection points for customers and staff.*
- 7.3.6. The First Party appeal submission refers to revised drawings and provides that the design of the commercial block is modern and distinctive while respecting the nature of the surroundings. External finishes proposed include glazing, modern brick and opaque vertical glazing. They provide that connections into adjoining sites to the north, east and west have been provided for in the design. It is noted that contiguous elevations relative to the contextual view from Clonsilla Road taking into account the proximity of the single storey bungalow to the east have not been submitted. I would consider that the design of the proposed commercial block i.e the Aldi and the crèche is both modern and functional. However, it is not distinctive, and while it will not detract from, it will provide a hard edge and will not serve to enhance the character of the streetscape when seen from the Clonsilla Road.

Signage

7.3.7. There are a number of signs proposed for the Aldi store:

- 2 internally illuminated fascia signs (5.11sq.m and 5.11sq.m)
- 1 no. non-illuminated fascia sign 1.83sq.m
- 1 no. double sided internally illuminated pole sign to include opening hours with a total area (front and back) of 10.22sq.m and 3.34sq.m.
- 2 no. poster frame double sided signs at the external trolley bay (3.45sq.m. each).

7.3.8. There are also two fascia signs proposed for the crèche, both of which are to consist of wall mounted back lit lettering, one with an area of 5.52sq.m and the other with an area of 5.44sq.m. It is visually important to avoid an over proliferation of signage Section 12.3 of the Fingal DP provides the Design Criteria for Urban Development. This includes: *Particular attention will be paid to the design and location of new advertising in those areas where the Council intends to implement town and village improvement schemes in order to maximise the potential environmental benefits of such schemes and also in areas the subject of Masterplans, Urban Framework Plans or Public Realm Strategies.* To avoid a proliferation of signage and in view of its proximity to the public road frontage, I would recommend that if the Board decides to permit that the proposed freestanding double-sided pole sign be omitted.

Residential

7.3.9. The residential element of the scheme is shown located to the rear of the site. A total of 32no. units are proposed to comprise 17no. apartments, 2no. duplex units and 13 houses proposed, in total comprising 3no. 1 bed units, 14, no. 2 bed units and 15no. 3 bed units. There are 57 car parking spaces provided for the proposed residential development. A breakdown of the residential units and a schedule of accommodation is given in the documentation submitted. The mix of units throughout the residential quarter is 10% - 1 bed units, 44% - 2 units and 46% - 3 bed units.

7.3.10. As per the details submitted the increase in the number of units has led to an increase in residential density to 59.5 units per hectare. It is noted that this is based on the residential area of the site (5,380sq.m as per the details given in the Planning Report submitted), rather than the total site area of 1.46ha, which includes the mixed

use element. Regard is had to the Sustainable Residential Development in Urban Areas 2009 and it is considered that the proposed increase in density is appropriate to this centrally located site, within the urban village of Clonsilla.

- 7.3.11. The Architectural Design Approach document submitted includes regard to the Urban Design Manual (Best Practice Guide – May 09) published by the DoEHLG which sets out 12 criteria to be considered in the design of a residential development. This includes regard to Context, Connections, Inclusivity, Variety, Efficiency, Distinctiveness, Layout, Public Realm, Adaptability, Privacy and Amenity, Parking and Detailed Design. The Planning Report submitted provides that although each block/unit is different, the consistency of detailing, materials and proportions brings a design quality of coherence, consistency, legibility and simplicity to the entire residential quarter.
- 7.3.12. The 13no. 3 bed 3 storey houses are shown in terraced form with two dedicated parking spaces in front and rear garden areas adjoining the commercial surface car parking. It is considered that the proposed house types are acceptable, but that the design other than those at the gable ends is lacking in variety and that the format taking into account the length of the terrace is very linear. All houses meet and some exceed the minimum requirements as provided relative to Objective DMS24 of the Fingal DP. The rear garden areas exceed the minimum 60sq.m standard (Objective DMS87 refers). However, the parking layout adjoining front and rear forms a hard urban edge. It is considered that the proximity to the surface parking for Aldi at the rear would detract from residential amenities of future occupants.
- 7.3.13. Two storey apartment block nos. 2 and 3, are proposed adjacent to end the row of terraced housing, each being on either side of the open space. They have 3no. 2 bed apartments each, the corner one being duplex, one is on the ground floor and one at first floor level. It is noted that the duplex is designed to form an end to the terrace by virtue of its large projecting corner bay window overlooking the public open space. The duplex and first floor apartments each have large roof terraces screened from the adjoining houses by opaque glass screens. There is concern regarding the relationship of the southernmost housing unit of the terrace and the adjoining structure that bookends the terrace. That this arrangement would lead to an unacceptable degree of overshadowing and have an overbearing effect on the private amenity space associated with the terraced dwelling.

- 7.3.14. The larger apartment Block 1 is shown located in the south eastern corner of the site. This is to be 3 storeys high plus a recessed penthouse level. It is provided that the 3rd floor is to be clad in metal cladding to give a lighter impression and form a 'top' to the building. Also, that it has a green roof and at ground floor one apartment is omitted to allow for car parking and an entrance lobby. Block 1 is to provide 3no. 1 bed, 8no. 2 bed and 2 no. 3 bed apartments. Minimum room sizes for houses and apartments comply with Objective DMS24. Although, it is noted that less than 50% of these apartments are dual aspect which would not comply with Objective DMS20 of the Fingal DP. As noted on the Schedule of Accommodation, these apartments comply with the minimum floor areas as per the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHPLG, 2018).
- 7.3.15. There is concern about the height of the proposed apartment block 1 being out of character with the adjoining area including that it would impact on the privacy and cause overlooking to the two storey proximate houses to the east in 'The Village' residential estate. It is noted that the site is elevated relative to the canal walkway to the south. Regard is had to Objective Clonsilla 2 in the Fingal DP which provides that new developments should not exceed 3 storeys. The Board may wish to restrict the height to 3 storeys, however, while I would consider that it will appear more dominant in the area, particularly when viewed from the south, given the set back, orientation and proposed design and layout it would not adversely impact on these properties.

7.4. Open Space and Landscaping

- 7.4.1. The Planning Report submitted notes that Objective DMS57 of the Development Plan requires a minimum public open space of 2.5ha per 1000 population. This requirement is based on residential units with an agreed occupancy rate of 3.5persons in the case of dwellings with 3 or more bedrooms, and 1.5 persons in the case of dwellings with 2 or fewer bedrooms. They provide that in this instance this equates to an area of 1.950sq.m for this development or 78 persons.
- 7.4.2. It is also noted that there is a requirement in Objective DMS57A that public open space provision be at least 10% of the site area. The First Party note that the public open space provision for the scheme is 940sq.m. The size of the residential area is 5,380sq.m. The public open space area equates to 17.8% of the residential site

area. They consider that it is not realistic to provide additional open space for a scheme of this size, as it would drastically reduce the density of the development. However, in the context of Section 12.3 of the Fingal DP *High Quality Urban Design*, regard is had to the distribution and usability of the open space. It is important that the achievement of quantitative standards is not seen to lead to a crammed form of development i.e that they are not achieved at the expense of qualitative design and layout standards.

- 7.4.3. Regard is had to the concerns of the Council's Parks and Green Infrastructure Division relative to the original plans for a detention basin and the use of SuDs relative to the open space provision, Objective DMS73 relates. They did not accept that the proposed SuDS contribute in a significant and positive way, rather that they would minimise the use of the public open space. They also referred, to the need for an interface between this development and that of the Master Plan lands to the south (MP 13B as shown on Sheet 13 of the Fingal DP). They advise that a Street Tree Planting Plan be submitted to soften the hard surfacing associated with this development.
- 7.4.4. The Council's second reason for refusal in summary is concerned with significant deficiencies in the quality and extent of usable open space, the excessive reliance to meet SuDs requirements and being contrary to objectives DMS57 and DMS73 (both are quoted in the Policy Section above). This also refers to the substandard nature of the landscaping scheme due to the dominance of surface car parking and lack of soft landscaping proposed.
- 7.4.5. As per the First Party response and the revised plans submitted with the Appeal, they provide that separating the attenuation areas required i.e. for retail/residential, significantly reduces the area required for attenuation within the open space. Furthermore, they provide that the provision of all attenuation below ground ensures that the public open space is usable in its entirety.
- 7.4.6. While this is considered to be positive, there is concern that the protection of the existing trees and hedgerows along the canal is vital so as to protect the immediate area and its environs. Also, that there is a need for a tree strategy and soft landscaping for the site. It is noted that 'significant tree groupings' along the site boundaries as shown on Map no.3 of the Clonsilla Urban Centre Strategy and

remaining along the western and southern site boundaries will be removed to facilitate the proposed development. The revised plans do not facilitate the retention of such. As shown the trees along the western site boundary with the adjoining site will be removed to facilitate the roads layout of the proposed development. The screen of trees along the southern site boundary is shown reduced. Hard surfaces and surface carparking will dominate the visual appearance of the site. This will not be addressed by the proposed layout and distribution of the public open space, which I would consider to be substandard.

7.5. Access and Traffic

- 7.5.1. A Traffic Impact Assessment prepared by TPS Limited, has been submitted with the application. Background information used within this report has been derived from technical information and layout plans prepared by Carnew Kelly Architects, Project Architects for the scheme. The TIA notes that the site is located within the 50kph and the Clonsilla Road has an average road width of 7.0 metres with broken centre line road markings, 2.0 metre pedestrian footpaths and street lighting on both sides of the road. There are bus stops located on either side of the road in the vicinity of the site and a number of bus routes serve the area. There is a traffic-controlled junction of the Clonsilla Road with Shelerin Road, to the east of the site, adjacent to the local centre and Spar. Traffic surveys were carried out, including at peak times and an assessment is made in the TIA of existing traffic conditions in the area.
- 7.5.2. An assessment is made in the TIA of the likely traffic flows attracted by the proposed development during the critical AM and PM peak traffic periods. Regard is had to traffic modelling and use of the TRICS database for both the food retail and residential elements of the scheme. A summary is given of the AM and PM peak hour traffic trip attraction or combined trip generation for all the proposed development within the Aldi site land. The possible development of the lands to the west of the proposed Aldi and residential development site for *say 12 residential houses and 36 residential apartments have also been reviewed within the TRICS 2019(a) database*. The AM and PM peak hour traffic generation for the possible residential development is further summarised.

- 7.5.3. The TIA provides that the possible Aldi discount foodstore development used in their assessment should not be considered as wholly new to the surrounding road network. This is because elements of this traffic will already be on the local road network and will divert into the development site. Notwithstanding this they have assigned as wholly new the projected traffic movements associated with the proposed development and *the possible 32 residential on the adjacent lands to the existing PM peak hour*. These trips have been distributed on the road links adjacent to the proposed Aldi development site based on the previously discussed and recorded traffic flows through this corridor.
- 7.5.4. Vehicular access to the proposed development is via the existing road access on Clonsilla Road. Section 6.0 of the TIA has regard to the Capacity of the Proposed Site Access. Use is made of the computer modelling program PICADY9. A copy of the full PICADY9 data and results for the pm peak traffic periods is attached as Appendix 2.0 to the TIA. It is provided that the proposed site access junction with Clonsilla Road at PM peak hours indicates a practical reserve capacity within this junction of in excess of 75%. This also predicts that the proposal will lead to limited extent of queuing on the Clonsilla Road, indicating almost free flow traffic conditions within this road link and adjacent junction.
- 7.5.5. Regard is also had to the DMURS manual which sets out design guidelines and standards for constructing new and reconfiguring existing urban road, streets and access points, incorporating new good planning and design practice. The Guidelines seek to provide a sense of place and to ensure a compact and easily walkable form of development that will encourage walking and cycling.
- 7.5.6. Note is had to the concerns of the Council's Transportation Planning Section, who provide that are a few deficiencies in the Traffic Assessment. These include that the applicant has provided an analysis of the proposed priority junction only. They have not provided any details in relation to the masterplan lands and or any potential impact or mitigation measures that may be required at the proposed priority junction on Clonsilla Road. They also note concerns about the lack of a set down area for the crèche and permeability and linkages. There is concern noted in the submissions that the proposal will increase traffic volume/congestion on the narrow Clonsilla Road. Also, that the traffic study is not representative of traffic levels to be expected

when the shopping complex is operating, in conjunction with the permitted Lidl complex.

- 7.5.7. The Transportation Planning Section provide that the layout of the proposed development would not accommodate a right-hand turn pocket. In order to facilitate a right turn pocket on Clonsilla Road an alternative layout providing an access point to the east would be required and could provide a road layout that would be in accordance with the principles of The Design Manual for Urban Roads and Streets (DMURS). They are concerned that the proposed long straight alignment does not lend itself to a low speed environment as indicated in the planning report. They note that the proposed layout would not be considered a home zone as the road would function as an access road to possible future development lands. Also, that the design to include additional traffic calming measures is not good practice and falls below the standards of the principles of DMURS. Overall, the proposed road layout would be considered inadequate and does not encompass the main principles of DMURS. They provide that sightlines of 49m would be required as the R121 is a bus route, and that a revised sightline drawing be submitted. They request that an auto track analysis for a delivery articulated vehicle accessing the new access road from the Clonsilla Road should be provided. The latter are shown on the revised plans submitted with the appeal.
- 7.5.8. The First Party Appeal considers that the issues raised by the Transportation Section should have been addressed by way of a further information request. They refer to traffic modelling and include that in order to determine the operational capacity of this proposed site access they have modelled this junction under the traffic conditions shown in Figure 3.1 Traffic Growth Predictions, using the computer modelling program PICADY9. A copy of the full PICADY9 data and results for the PM peak traffic periods is attached as Appendix 2 of their Appeal Submission and a summary of the peak hour output results is shown in Table 3.1.
- 7.5.9. They note that this traffic modelling solution is based on the provision of a simple priority T junction providing access to the application site. They provide that this access does not require a ghost island right turning pocket to enable this access to operate well within capacity. Also, that the omission of the right turning pocket limits the operational capacity within this junction which is a key objective of DMURS

placing a higher value on sustainability and non-car modes such as pedestrians and cyclists.

- 7.5.10. Regard is had to the revised plans submitted including the provision of a roundabout internally within the site. As indicated, this would also serve to access adjoining lands to the west, which as has been noted, do not form part of the current development site. Also, the layout of the appeal site, appears to be somewhat restricted by the proposed roundabout, in that the design is very tight particularly relevant to the surface parking. While the concept of the inclusion of a roundabout to provide linkages in the scheme may be beneficial in the right location it is considered that the proposal has not been appropriately designed relative to the proximity to the residential and parking area. Also, that it would not be in accordance with DMURS (Section 4.4.3 *Junction Design* relates).

7.6. Permeability and Parking

- 7.6.1. The Sustainable Urban Housing Guidelines for Planning Authorities make the point that connectivity and permeability are key indicators of quality in residential areas and that convenient access to community and commercial facilities should be accessible to everyone. There are concerns about linkages with adjoining sites. This proposed development refers to permeability with the potential development site immediately to the west and the strip of land to the south and as yet undeveloped site to the north east. Concern is noted relative to impact on privacy and amenity and observations submitted note that there would be opposition by the residents in The Village to a new pedestrian entrance going through their green. Also, that the wall between the carpark of the proposed Aldi and existing residential should be at the maximum height permissible under the Development Pan. This should be supplemented by a planting scheme within the new development along the new wall, using semi-mature trees to provide screening.
- 7.6.2. The Council's Transportation Planning Section is concerned that there would be poor connectivity between the green spaces for the proposed development and the future development to the west. They provide that pedestrian and cycle connectivity to the Village Estate to the east should be provided. In addition, that pedestrian connectivity across Clonsilla Road should be addressed. The First Party response

provides details of cycle provision in accordance with DP standards. They also, suggest that if the Board is mindful to grant permission for this development the provision of a pedestrian crossing should be conditioned and the location agreed by the PA. I would recommend that if the Board decide to permit that in the interest of pedestrian safety the provision of a pedestrian crossing across the Clonsilla Road to the site be conditioned.

- 7.6.3. It is proposed to provide 97 car parking spaces for the Aldi retail store and crèche. These are to be provided within the site to the rear of the commercial development. Car parking standards as per Table 12.8 of the Fingal DP require a maximum of 1 space per 20sq.m of g.f.a for a retail foodstore (incl. discount foodstores). The g.f.a of the proposed Adi is 1790sq.m, therefore a maximum of 90 spaces would be required. It is noted that the proposed 97 spaces within the Aldi site, include 9 dedicated guardian and children parking spaces and 5 disabled spaces.
- 7.6.4. It is proposed that the Aldi development would be serviced on a daily basis by 1-2 articulated vehicles from their Regional Distribution Depot in Naas. Also, that their policy is that delivery to their stores is completed prior to the store opening to the general public. They provide that typically they would expect this store to be serviced between the hours of 0660 -0800 and details of serving practice are provided. The service area to the warehouse section is shown located and the eastern side of the building to the rear of the purpose built crèche.
- 7.6.5. It is noted that no dedicated spaces were originally proposed for the crèche, taking into consideration that there is ample space within the proposed Aldi surface carpark. As per Table 12.8 a maximum of 0.5 spaces are to be provided per classroom (pre-school facilities/crèche). The g.f.a of the crèche is 599sq.m. The floor plans submitted show 4no. rooms proposed for the crèche, which would result in 2 spaces. However, it is considered that this does not make allowance for staff numbers or for set-down pick up areas. The concerns of the Council's Transportation Section are noted relative to this issue. They consider that the if an adequate set down area cannot be provided the crèche element should be removed from the application. The First Party response provides that the set down area for the proposed crèche is shown on the revised plans. This shows spaces 76 – 80 allocated for *crèche priority reverse parking only*. These are shown located adjacent to the east side of Aldi and to the delivery access to the warehouse area. I would not

consider that they are in the most suitable location relative to safe access and set down for the crèche.

- 7.6.6. The Transportation Section are also concerned that the proposed layout, allows for an excessive amount of surface parking, and consider that undercroft parking could be used. They note that cycle parking should be provided for the store and the crèche. Also, that a Mobility Management Plan has not been submitted. In response the First Party note that the Cycle Network Plan for the Greater Dublin Area including cycle facilities along the Clonsilla Road and the proposed future access to the Royal Canal Greenway and the lands to the south are not prejudiced by the proposed development. However, it is noted that the proposal does not actively facilitate such connections. Table 3.2 of the First Party response shows that cycle parking will be provided in accordance with the County Plan standards. They also consider that a Mobility Management Plan is not necessary in this instance in view of the small numbers of staff proposed. They refer to travel information packs that can be distributed. I would recommend that if the Board decides to grant permission that it be conditioned that a Mobility Management Plan be provided.
- 7.6.7. It is proposed to provide 54 parking spaces within the residential development which taking into consideration the no. of bedrooms in the mix of units proposed complies with DP residential standards. It is also provided that the extent of parking provision within the possible residential development on lands to the west of the Aldi applications site can also be provided in accordance with the Council's DP 2017-2023. It is however, noted that this does not form part of the subject application site.
- 7.6.8. Having regard to the issues discussed above, I would not consider that the proposal including the revisions presented in the revised plans have adequately addressed the Council's Reason no. 1 for refusal. To do this, changes would need to be incorporated in a revised layout to address the issue of the uncoordinated development and the serious concerns relative to traffic, permeability and parking.

7.7. Retail

- 7.7.1. A Planning Report & Retail Impact Statement has been submitted for the proposed development. Section 6.0 of this document refers to the RIS. This provides that in the context of the location of the site in an area zoned Town and District Centre,

which is specifically identified as the “new village centre” suitable for enhanced retail and service facilities in the Clonsilla Urban Centre Strategy, it is not considered necessary to justify the site from a sequential viewpoint (as per the Retail Planning Guidelines 2012). Table 6.1 of the RIS notes existing convenience outlets in the catchment. It is noted that the SPAR in the local centre to the east, which is within walking distance of the site is not referred to in this table. Note is also had of two extant planning permissions for supermarkets within the catchment area. In Ref. PL06F.249188 permission was granted by the Board for a mixed use development to include a supermarket with a net retail floor area of 940sq.m on lands bounded by Clonsilla Road to the south, Clonsilla Link Road to the east and the residential development of Portersgate to the west, Clonsilla, Dublin 15. (A copy of the Board’s decision is included in the Appendix with this Report).

7.7.2. The RIS provides that existing convenience stores in the immediate catchment are limited by the range and amount of products they provide and provide for top up shopping only, and are not suitable for a weekly trip. Larger convenience retailers are available in the wider catchment, all of which have adjoining car parking. The assessment shows that there are no convenience stores within walking distance of the site and that a convenience store in this location will fulfil the basic premise of a neighbourhood centre i.e providing for the local needs of the surrounding population, including those who do not have a car.

7.7.3. The First Party provides that the RIS highlights that there is a significant retail leakage from the area in terms of weekly shop. They consider that the proposal complies with the Retail Planning Guidelines 2012 and other retail planning policies including the Retail Strategy for the Greater Dublin Area 2008. They provide a Quantitative Assessment with Tables having regard to the catchment population and expenditure patterns. The population has been projected for 2023, which is the design year, as this is estimated to be the first full year of trading once the development is complete with trading patterns established. This allows for approximately 3 years for the planning and construction periods. The turnover of the proposal is shown to illustrate the relatively small-scale nature of the proposal. This proposal seeks to increase the range of retail offer available in Clonsilla Village Centre Neighbourhood Centre in line with the Development Plan strategy without adverse impacts on existing outlets given the degree of catchment expenditure.

- 7.7.4. The conclusions of Retail Analysis provide that the proposal is of relatively modest, neighbourhood scale and given the catchment analysis presented the RIS considers that it is fully compliant with proper planning and sustainable development. It is highlighted that there is a significant retail leakage from this area in terms of the weekly shop. Also, that the proposal complies with the Retail Planning Guidelines 2012 and other retail planning policies including the Retail Strategy for the GDA.
- 7.7.5. It is also of note that Section 8.1 of the Clonsilla Urban Centre Strategy 2008 refers to the proposal by Aldi to locate in the area and provides that the size and range of local shopping is restricted in the general area. The Blanchardstown Town Centre attracts most of the retail expenditure. This includes that the Council's preferred location for retail and service use, expansion and consolidation is Development Opportunity Area No. 3 – the village core.
- 7.7.6. Therefore, it would appear, that the principle of the proposed development including the retail element is supported. The issue of the lack of the Urban Framework Plan relative to Objective Clonsilla 1 remains. Also, as has been noted in the Assessment above there are issues relative to the design and layout of the overall development scheme including roads and parking area to serve the overall site, that need to be resolved, prior to the addition of further such retail to the area.

7.8. Drainage

- 7.8.1. An Engineering Assessment Report has been submitted with the application. The proposal includes all associated infrastructure, drainage works, potable water supply and road works. The infrastructure includes regard to the foul water sewer, surface water sewer and watermain. The Report describes the criteria used to design and detail options available for the disposal of foul water, storm water (subject to restriction to the discharge rate) from the development site and water supply. It is proposed to connect the proposed watermain to the existing 150mm diameter watermain, located to the north of the site, on the Clonsilla Road.
- 7.8.2. It is proposed to connect the proposed foul sewer from the subject site to the existing 300mm foul sewer that runs to the south of the site. A section of the existing foul sewer will have to be removed and diverted as part of the works. The existing public foul sewer will be diverted within the village development upstream of the subject site

and routed through the subject site. It is provided that there is a significant gain to the Council as a result of the diversion works, with a section of foul sewer removed from a private garden at 'The Village' in addition to the replacement of a substandard section of the public sewer. Details are given of foul water calculations including the estimated flow from the site.

- 7.8.3. Details are given of the proposed surface water discharge, with reference to SuDS. It is proposed that the overall development will outfall to the existing surface water drainage network. As originally proposed excess water was to be stored in a stone storage area and in a detention area in the public open space. The detailed drainage drawings submitted show the proposed overground detention basin, located within the public open space adjacent to the residential development. The attenuation storage and detention basin are to provide a third stage of treatment, regional control, by slowing the storm water discharge down and removing any additional silt which may remain in the storm water. Surface water runoff is to be restricted via a hydrobrake. Details are given of stormwater calculations. Runoff is to be restricted to the equivalent of the existing agricultural runoff. It is provided that there is sufficient storage capacity available in the stone storage area and detention basin to store water from the critical 100 year storm for the subject site with 20% climate change allowed for in calculations to facilitate climate change.
- 7.8.4. The Council's Water Services Department considered that the location and depth of the proposed detention basin are not acceptable with regards to residential development, especially given the presence of water and the proximity to the apartment block (c.1m) and certain houses (c.1.5m). They also note that the proposed detention basin provides no allowance for freeboard, relative to the finished floor levels of the proximate residential and mixed use development. They requested that the applicant amend the design to provide adequate freeboard and to revise the FFLs in accordance with current standards.
- 7.8.5. It is of note that the Council's third reason for refusal relates in summary to the proposed attenuation and detention basin which, due to the excessive size and depth within the open space is considered to be detrimental to the residential amenities and given its proximity to the proposed buildings and the potential presence of water above ground together with insufficient allowance for freeboard, would be contrary to the proper planning and sustainable development of the area.

7.8.6. The First Party contend that engineering reasons for refusal relative to the drainage issue have been adequately addressed through the redesign of the surface water drainage. The redesign removes the detention basin and provides all storage below ground. They have also separated out the attenuation for the retail area and the residential area which reduces the size of the attenuation below the open space. This will allow separate attenuation for the retail and residential parts of the site. They refer to the Waterman Moylan drawings submitted as part of the appeal and the supporting Micro Drainage calculations for the attenuation volumes required (Appendix 3). The underground attenuation storage system for the proposed commercial element of the site is included under the parking area proximate to the eastern site boundary. Therefore, they consider that reason nos. 2 and 3 of the Council's refusal have been addressed.

7.8.7. While these revisions to the proposed surface water drainage system offer an improvement on what originally proposed, as noted in the Open Space and Landscaping Section above I would not consider that they, address concerns raised in Reason no.2 relative to the quality and usability of the open space, lack of soft landscaping and the dominance of hard surfaces and surface car parking.

7.9. **Flooding**

7.9.1. There are concerns that existing drainage and flooding problems would increase with the proposed development. It is noted that a Flood Risk Assessment has been submitted with the application. This concludes that the subject lands have been analysed for risks from flooding from tidal, fluvial flooding, pluvial flooding, groundwater, and failure of mechanical systems. Table 4 provides a Summary of the Flood Risks from the Various Components, being either negligible, extremely low or low. They provide that through careful design and appropriate mitigation measures, the risks and consequences of flooding have been mitigated in the development. Also, that surface water runoff from the site is limited to Greenfield runoff and does not impact developments upstream or downstream of the subject site.

7.10. Screening for Appropriate Assessment

7.10.1. The Planning Report submitted with the application provides that there is no requirement to undertake an AA for the proposed development. The nearest Natura 2000 sites are:

- Rye Water Valley SAC AT Leixlip within is c. 5.5kms to the south-west of the site.
- North Dublin Bay SAC and SPA, which is c.12.4kms to the east of the site.
- South Dublin Bay SAC and SPA, which is c. 11.4kms to the east of the site.

7.10.2. They provide that as the proposed development is designed using sustainable urban drainage, which drains into the surface water system, there will be no impact on the Natura 2000 sites. They note a potential pathway link between the proposed development and the Dublin Bay area is foul effluent which is ultimately discharged to Ringsend WWTP. However, the additional loadings generated by the proposed development will be negligible particularly in the context of the overall design load capacity of the WWTP.

7.10.3. Having regard to the zoning of the site for town centre mixed use development, to the availability of public piped services including water and sewerage, to the nature of foreseeable emissions from the proposed development, to the patterns of development in the area and the separation distance between the application site and any Natura 2000 site it is reasonable to conclude, on the basis of the information available which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Rye Water Valley/Cartron SAC (001398) or the South Dublin Bay and River Tolka Estuary SPA (004024) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I would recommend that permission for this proposal be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. It is an objective of the current Fingal County Development Plan 2017-2023 as per Objective Clonsilla 1 to prepare an Urban Framework Plan to guide and inform the future development of Clonsilla. The site of the proposed development forms part of a key site within the village for mixed use development, within the 'TC' town centre land use zoning. It also, forms a significant portion of undeveloped lands within the Clonsilla Urban Centre Strategy 2008 identified as 'Opportunity Area number 3'. The Strategy recognises that this area presents the best development opportunity and is the appropriate location to integrate and consolidate the village core thereby enhancing and protecting the character of the village. In the absence of the Urban Framework Plan for Clonsilla and the development of a strategy to include the adjoining site to the west, it is considered that the proposal would lead to piecemeal development and be premature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its poor design and layout, including distribution and usability of open space, roads layout, dominance of surface carparking, lack of set down area for the proposed crèche, minimal landscaping and lack of permeability with adjoining areas would result in a substandard, un-coordinated form of development on this central site within Clonsilla. It would set an undesirable precedent for similar non-integrated forms of development in the area and would, therefore, fail to comply with the policies and objectives set out in the Fingal County Development Plan 2017-2023, the Design Manual for Urban Roads and Streets and Clonsilla Urban Strategy 2008. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

24th of January 2020