



An
Bord
Pleanála

Inspector's Report

ABP-307889-20

Development	Demolition of a residential unit and associated structures, and the development of a residential development, consisting of 25 apartments.
Location	Glenmalure, Castleknock Road, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0058
Applicant(s)	Castleshore Investments Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Observer(s)	An Taisce Simon O'Neill Castleknock Park Residents Association

Date of Site Inspection

25th November 2020.

Inspector

Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site is located in the centre of Castleknock Village, to the rear (north) of a recently completed mixed use commercial development. The site currently consists of a two-storey detached house and its attendant garden, which is accessed via a long avenue off Castleknock Road. The main part of the site has a roughly square shape, set back from Castleknock Road by approx. 100m. The site is on higher ground than Castleknock Road, with the access set on an incline. The existing house and garden are derelict.
- 1.2. Located in the village centre, the site is adjoined by a mix of residential, commercial and community uses, including Castleknock National School to the west, St. Brigid's National School to the north and a mixed use complex to the south, which includes a Lidl store. The Castleknock Park housing estate lies to the east.
- 1.3. There are a number of Protected Structures to the south of the Castleknock Road entrance to the site, Nos. 1-4 Castleknock Road, the Former Post Office House and Village House. These buildings are semi-detached, two-storey red brick buildings. St. Brigid's Church of Ireland, also a protected structure, lies on the west side of Castleknock Road.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of an existing house and associated structures on site, to facilitate a three and four-storey development of 25 apartments.
- 2.2. The demolition elements have a stated area of 212sqm.
- 2.3. The proposed development will consist of 4 No. 1-bed units, 19 No. 2-bed units and 2 No. 3-bed units in a 3 and 4 storey building which takes the form of 2 interlinked blocks, with a maximum parapet height of 13.5m, measured from ground floor level (14.5m measured from site access level). The four storey element is set back on the west and north elevations. The internal layout consists of an enclosed main entrance on the ground floor of the west elevation, serving a core lobby and 6 ground floor apartments. 8 apartments are provided at first floor level, 7 at second floor level and 4 at third floor level. Each apartment incorporates private open space in the form of a

balcony, provided within the envelope of the building. The development has a stated gross floor area of 2,607sqm.

- 2.4. A series of landscaped areas are proposed at ground level and a rooftop terrace is incorporated, on the roof of the three storey element.
- 2.5. The development includes widening of the access point onto Castleknock Road, proposed to be increased to approx. 7.5m wide, in order to facilitate two-way traffic, a pedestrian footway and a bin storage area adjacent to Castleknock Road. A 'stop and go' traffic control is also incorporated along the site access, where two-way flows reduce to single lane for the majority of its length.
- 2.6. Associated development includes the provision of 27 parking spaces, bicycle spaces, bin storage, landscaping and boundary treatments. Car parking spaces are surface level, provided to the rear (east) of the block and accessed via an undercroft at the south end of the building.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 16th July 2020, Fingal County Council refused permission for the development, for 2 reasons as follows:

'1. Taking account of constraints arising from the length, alignment, treatment of boundaries and deficiency of overlooking of the sole, shared narrow access to the site, the proposed development is considered to be substandard with regard to providing a safe, convenient and comfortable environment for future users and would be therefore contrary to Section 4.22 of 'The Sustainable residential Development in Urban Areas Guidelines for Planning Authorities (2009)', would contravene materially Objective MT13 of the Fingal County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the limited width, length and alignment of the proposed laneway access to the subject site, and to the lack of segregated pedestrian facilities along this laneway due to its limited width, coupled with the treatment of boundaries and the lack of availability of alternative pedestrian permeability from the subject site other than along this laneway, it is considered that the proposed development would

be substandard with regard to providing a safe and comfortable environment for future users, and would endanger public safety by reason of traffic hazard to vulnerable road users, that is, pedestrians. Furthermore, the proposed access arrangements would fail to suitably advocate for the quality of the pedestrian environment and create permeability and legibility for all users, and would accordingly contravene Objective Castleknock 4 of the Fingal County Development Plan 2017-2023, which seeks to improve facilities for pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

- 3.2.1. Planning Report dated 16th July 2020, which reflects the decision to refuse permission. The report notes that residential development is acceptable in principle under the zoning and that the proposed design and layout of the apartment building are generally acceptable but, concerns are expressed in relation to a number of aspects of the development.
- 3.2.2. The proposed access is considered sub-optimal, in terms of the layout of the carriageway itself, traffic management measures, proposed boundary treatments and the relationship to neighbouring properties. The impact of the construction of the proposed entrance on built heritage is also questioned. The report outlines that there are inconsistencies between application drawings, in relation to this aspect of the development and considers that this aspect of the development requires resolution.
- 3.2.3. The loss of trees, with particular reference to a Sycamore to the south of the access, was considered to be among the biggest impacts on the character of the area.
- 3.2.4. The report notes that permission was previously sought for a development of 22 apartments and offices on the site and that permission was refused by both the Planning Authority and the Board.
- 3.2.5. The recommended reasons for refusal are generally in accordance with the Planning Authority's decision to refuse permission.
- 3.2.6. Other Technical Reports

Transportation Planning Section – Report dated 23rd June 2020, which outlined no objection to the development, subject to a number of recommended planning conditions. The recommended conditions included a requirement to agree the design and layout of the shared surface access to the site and also that the applicant should submit written evidence of consent to use third party lands for the purposes of visibility from the proposed access.

Parks and Green Infrastructure Division – Report dated 16th June 2020, which advised as follows:

- The proposed open spaces (641sqm total) were not considered to constitute public open spaces and that a financial contribution was requested, in lieu,
- A revised Arboricultural Report was requested, to include an arboricultural impact statement and tree protection plan,
- No details of proposed replacement tree planting were provided. The proposed landscape plan was also considered to lack detail and contained no planting schedule. A revised landscaping plan was requested,
- It was considered unclear what boundary treatment is proposed along the eastern boundary, but it was considered that a proposed solid bar running the entire length of the boundary would not be appropriate. The applicant was requested to revise the eastern boundary to a wall and railing, as per conditions attached to the permission for the Lidl development adjoining the site.

Water Services Department – Report dated 4th June 2020, outlining no objection subject to a number of standard planning conditions.

Conservation Officer Section – Report dated 25th May 2020, advising that there is no objection to the proposed demolition of the existing house on the site, however; concerns were expressed in relation to impacts on nearby protected structures, in particular 4 Castleknock Road. The report acknowledges that the development would have limited visual impact, on views from the Architectural Conservation Area, but requests that proposed building heights should not exceed the height of the Lidl development and no additional plant or equipment should be added to the roof.

A preference was expressed for access to the development being taken at the connection point with the adjoining Lidl development, to minimise impact on 4

Castleknock Road. Concerns were also expressed that the application did not contain any thorough analysis of potential impacts on 4 Castleknock Road. As part of any grant of permission it was requested that:

- The proposed planted boundary along the southern edge of the laneway should provide adequate privacy to the rear garden of 4 Castleknock Road,
- The rebuilt vehicular entrance should use the rubble limestone from the existing wall and the capping stones, to recreate a wall similar in appearance. Additional stone should match in colour and size and lime mortar should be used,
- The bin transfer area should be re-examined so that it is not placed directly beside the gable of 4 Castleknock Road.

3.3. Prescribed Bodies

- 3.3.1. Irish Water – Submission dated 10th June 2020, outlining no objection to the development.
- 3.3.2. Department of Culture, Heritage and the Gaeltacht – Submission dated 6th May 2020, noting that the development is located in the vicinity of a church and holy well of archaeological interest (Recorded Monument Nos. DU017-008001 and DO017-009). A condition requiring archaeological monitoring of the development was requested.

3.4. Third Party Observations

- 3.4.1. A number of third party observations were received on the application, objecting to the development. The issues raised within these submissions can be summarised as follows:
 - Concerns regarding the scale, density and height of the proposed development,
 - Concerns regarding piecemeal development of the subject site and adjoining lands,
 - Concerns regarding visual impact,
 - Concerns regarding prematurity, pending completion of the new urban framework plan for Castleknock village,

- Concerns regarding the lack of family housing incorporated,
- Concerns regarding the layout of the proposed road access and impacts on road, traffic and pedestrian safety,
- Concerns regarding permeability,
- Concerns regarding the adequacy of proposed parking provision,
- Concerns regarding the impact of the development on nearby protected structures and architectural conservation area,
- Concerns regarding the adequacy of proposed boundary treatments. A number of submissions requested that a boundary wall, similar to that provided as part of the Lidl development, should be provided,
- Concerns regarding the impact of the development on trees,
- Concerns regarding depreciation of the value of adjoining property,
- Concerns regarding the ownership of the site and the applicant's ability to complete the development,
- Concerns regarding overlooking of neighbouring properties, including a national school,
- Concerns regarding noise-related impacts,
- Concerns regarding the impact of the development on biodiversity.

4.0 Planning History

FW18A/0173 – (ABP Ref. PL06F.304404) Permission refused on 12th December 2019 for mixed use residential and office development consisting of 22 apartments and offices and associated site works including demolition of existing buildings on the site. Permission was refused for 1 reason, as follows:

'Having regard to the limited width, length and alignment of the proposed laneway access to the subject site, and to the lack of segregated pedestrian facilities along this laneway due to its limited width, coupled with the treatment of boundaries and the lack of

availability of alternative pedestrian permeability from the subject site other than along this laneway, it is considered that the proposed development would be substandard with regard to providing a safe and comfortable environment for future users, and would endanger public safety by reason of traffic hazard to vulnerable road users, that is, pedestrians. Furthermore, the proposed access arrangements would fail to suitably advocate for the quality of the pedestrian environment and create permeability and legibility for all users, and would accordingly be at variance with Objective Castleknock 4 of the Fingal Development Plan 2017 – 2023, which seeks to improve facilities for pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

Nearby Relevant Planning History

- 4.1. There are extensive planning records in the immediate surrounding area. Those of relevance to this appeal include:

FW19A/0092 - *Lands to the south*: Permission and retention permission granted on 11th September 2019 for revisions to the approved development, including change of use of Block A, Unit 1 to a restaurant/bar, retention of subdivision of Block A, Unit 3 into two separate retail units, retention of subdivision of Block B, Unit 5 into two separate units, one of which would operate as a restaurant/bar. Permission was also granted for revised opening hours associated with the restaurant/bar uses, allowing opening times between 07.30 – 00.00 hours.

FW16A/0006 - *Lands to the south* (ABP Ref. PL06F.247458): Permission granted on 3rd July 2017 for demolition of buildings and construction of a mixed use development of 4,896 sq m in three blocks comprising shop units, café, 8 apartments, medical centre and supermarket and all associated works.

Permission was subsequently granted for revisions to the approved development, under Reg. Ref. FW17A/0215.

FW14A/0065 - *Lands to the south* (ABP Ref. PL06F.243715): Permission refused on 15th December 2014 for a mixed use retail/commercial development with gross floor area of 3,752.5 Sq M, including restaurant, retail, medical centre and supermarket. Permission was refused for 4 reasons, relating to (1) underutilization and inefficient use of zoned lands, (2) visual impact, (3) unsatisfactory mix of uses on the site, (4) inappropriate design, form and layout.

FW09A/0087 - *Lands to the south* (ABP Ref. PL06F.234670) Permission granted on 29th January 2010 for a mixed use development consisting of kiosk adjoining post office house, 47 no. apartments, retail/commercial units, medical centre, parking spaces and all associated works.

Permission was subsequently granted for amendments to the development, under Reg. Refs. FW11A/0025 and FW12A/0091 and permission for an extension of duration was granted, under Reg. Ref. FW09A/0087/E1, extending the lifetime of the permission up to 14th March 2020.

FW09A/0193 – *St. Brigid's National School*: Permission granted on 18th March 2010 for a new three storey building accommodating teaching and school administrative accommodation with a single storey link to the existing school and new sports hall.

5.0 Policy Context

5.1. Relevant Ministerial Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)

- 5.1.1. The Guidelines set out standards for apartment developments, with the aim of ensuring that such developments are an attractive and desirable housing option in the future. Standards provided within the Guidelines include: the mix of units to be provided, minimum size thresholds for 1-bed, 2-bed and 3-bed units, the orientation and internal layout of units and private open space provision.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

5.1.2. The Guidelines set out key planning principles to guide the preparation and assessment of planning applications for residential development in urban areas. Of relevance to the current appeal, the Guidelines promote, in relation to the design and layout of residential developments in Cities and Larger Towns, the achievement of an efficient use of land appropriate to its context, while avoiding the problems of over-development. Whilst promoting higher densities, the Guidelines identify a number of safeguards, as follows:

- *'compliance with the policies and standards of public and private open space adopted by development plans;*
- *avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;*
- *good internal space standards of development;*
- *conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*
- *recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and*
- *compliance with plot ratio and site coverage standards adopted in development plans.'*

5.1.3. Backland sites within inner suburban areas of towns and cities are identified as sites which may have the potential to accommodate higher densities, however, the Guidelines acknowledge that *'a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.'*

5.1.4. In relation to personal safety, Section 4.22 of the Guidelines outlines that the ability to live with a feeling of comfort and safety in the residential area is an essential component of sustainable communities. Good design is essential in giving a sense of personal safety by providing for passive surveillance of streets and roads, clear demarcation between private and public/communal spaces and clear and direct

routes through the area for pedestrians and cyclists, with safe edge treatment, maintaining clear sight lines at eye level and clear visibility of the route ahead.

5.2. Development Plan

- 5.2.1. The site is zoned 'TC' under the Fingal County Development Plan 2017-2023, with an objective to '*Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.*'
- 5.2.2. Objective PM44 outlines the Planning Authority's support for infill and backland developments, outlining that it will '*Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.*'
- 5.2.3. Section 4.2 contains development strategies for each of the towns and villages within the County, including Castleknock Village. The development plan notes that there is potential for enhanced commercial, retail and community facilities in Castleknock, in the form of sensitive infill and redevelopment opportunities which respect the established village environment. Sensitive infill and backland development will be encouraged. The strategy is supported by a number of Objectives, which can be summarised as follows:
- **CASTLEKNOCK 1:** Prepare an Urban Framework Plan for Castleknock.
 - **CASTLEKNOCK 2:** Improve the physical and environmental character of Castleknock through sensitive infill development that enhances village facilities and amenities. Development to have a maximum height of three storeys.
 - **CASTLEKNOCK 3:** Promote sympathetic cycle integration between Castleknock and both Blanchardstown Village and the Phoenix Park.
 - **CASTLEKNOCK 4:** Promote and facilitate pedestrian movement to and from back-land sites to the rear of the Ashleigh and Castleknock shopping centres while maintaining integrity and privacy of existing residential development.
 - **CASTLEKNOCK 5:** Encourage sensitive redevelopment of key sites within village for mixed use which includes an appropriate residential component to enhance viability and vitality of the village.

- **CASTLEKNOCK 6:** Promote and enhance the ACA.
- **CASTLEKNOCK 7:** Prevent access to/from the retail face of Castleknock Road to Castleknock Park.

5.2.4. Objective MT13 relates to walking and cycling, outlining the Planning Authority's commitment to *'Promote walking and cycling as efficient, healthy, and environmentally-friendly modes of transport by securing the development of a network of direct, comfortable, convenient and safe cycle routes and footpaths, particularly in urban areas.'*

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within or adjacent to any Natura 2000 sites.

5.4. **EIA Screening**

5.4.1. Having regard to the limited nature and scale of the proposed development it is considered that 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. The grounds of appeal can be summarised as follows:

- Revisions to the development following refusal of application Reg. Ref. FW18A/0173
 - It is noted that the Planning Inspector on the previous application recommended that permission be granted for that development. The Board, in refusing, noted 2 concerns, relating to (1) two-way traffic movements associated with the office element, (2) the linkage to the Lidl development, if it could not be delivered, the driveway as proposed would lead to concerns over personal safety, due to the length, width and design of the boundaries.

- Following the previous refusal, the applicant engaged in S247 pre-planning discussions with the Planning Authority, in the form of a meeting on 21st February 2020. A number of substantial changes were made and the applicant considered that the major principles of the development were settled.
- The proposed development is argued as being different to the previously refused development in a number of areas – the office element has been omitted and replaced by 3 apartments and an updated topographical survey has been prepared, which confirms that a 4.02m wide access can be maintained for the entire length of the shuttle run. This allows for a 1.2m pedestrian footway, enhanced lighting along the road and revised hard surface materials, to delineate the pedestrian route from the vehicular route. It is contended that these are substantive changes to the project and it is contended that the Planning Authority's Transport section is satisfied with the development.
- The applicant considers that the core of this appeal relates to the operation and safety of the access road, with the vast majority of the project considered to be acceptable.
- Traffic safety is contended as being adequately addressed within the proposals, by ensuring that (1) the design of the development's internal spaces and access arrangements actively manage vehicle speeds and movements, (ii) the specification and application of surface materials enforces the intended function of internal areas. (iii) the provision of facilities such as a dedicated pedestrian link along the entire site access lane reduces the risk of pedestrian/vehicle conflict. The DBFL Traffic and Transportation Report outlines compliance with DMURS Design Principle Number 3.
- Enhanced passive surveillance of the access road has incorporated, by removing planting and increasing the number of units overlooking the access. All opportunities for maximising personal safety within the development have been applied, with the following referenced: enhancing passive surveillance of the external street network by widening the access onto Castleknock Road, orientating the apartment block to maximise passive surveillance across the

site, clearly delineating public and private spaces, providing clear and direct routes for pedestrians and cyclists and accommodating clear sight lines at eye level and clear forward visibility.

- It is contended that the issue of personal safety within the development is not one dimensional, as has been suggested by the Planning Authority, but is a combination of factors. The applicant argues that the application has been supported by in-depth assessment of the proposed design, whilst the development appears to have been refused by the Planning Authority based on one line within the Planner's Report, which questions the extent of improvement in personal safety brought about by the proposed revisions. The applicant refers to (1) the use of highest quality materials, (2) designed increased with along the length of the access road, (3) revised and lowered north boundary timber fence and (4) softening of the southern boundary.
- In relation to sense of place, it is argued that the combination of varied boundary heights, spacing and materials softens the space. It is considered that when looked at collectively, the combination of features creates a high quality, safe environment.
- The appeal references support within the National Planning Framework and concerns are raised regarding the lack of consideration given to such support, in the Planning Authority's assessment of the application.
 - National Policy Objectives 11, 13, 33 and 35 are referenced in particular as being supportive of the development.
- Sustainable Residential Development in Urban Areas (SRDUA) and DMURS are considered to be the 2 main documents used to assess the quality of new development including the safety and security of road users, particularly with reference to personal safety and traffic/pedestrian conflict. The Traffic and Transport Statement prepared by DBFL as part of the development sets out a detailed analysis in relation of a wide range of qualitative criteria and indicates a high level of compliance with policy in terms of these two issues. It is therefore contended that the development does not contravene Section 4.22 of SRDUA.
- Reference is made to compliance with the TC zoning objective and vision for the lands and it is considered that the proposed residential development will

complement the range of uses elsewhere in the village, with particular reference to commercial and retail uses immediately to the south.

- The site is argued as being in a sustainable location, where the permeability of the scheme will promote walking and cycling. The site is also served by public transport, providing connections locally and to the City Centre.
- The appeal highlights that the development plan identifies Castleknock as a Metropolitan Area 'Consolidation Area' and objectives within the development plan promote development in such locations.
- Reference is made to the Castleknock objectives within the development plan and it is argued that the development is compliant with Objectives 1, 2, 4, 6 and 7.
- Where the Planning Authority's refusal references a material contravention of development plan Objective MT13, the applicant argues that this objective is irrelevant in the context of the application, as it is considered to be an expression of the Council's role in assisting the NTA in the delivery of a network of walking and cycling routes. It is highlighted that neither the Planning Authority nor the Board considered the development was a material contravention of Objective MT13 when refusing the previous application on the site.
- The appeal addresses a number of points made in the Planning Officer's report and other technical department reports.
 - In relation to public open space, it is argued that proposals are appropriate for the site. With reference to the Planning Officer's statement that a contribution in lieu would be required, the applicant refers to the Inspector's report on the previous application, which concluded that a financial contribution in this regard would be inappropriate. It is argued that a financial contribution should not be imposed in this instance.
 - The applicant advises that they are satisfied they have relevant title to execute the proposed works. It is also argued that concern over title is not a planning matter, in any case.
 - The applicant notes that where the Planning Officer's report cites Transport section concerns regarding car and cycle parking, the Transport report

expresses no concerns and states that it has no objection to the development. It is also highlighted that the Transport section requested the signal controls, at pre-planning stage.

- In relation to car parking, it is argued that the development incorporates adequate provision. Bicycle parking is also considered to be adequate.
- The proposal to incorporate a bin transfer area at the main entrance arose from the Inspector's report on the previous application and it is considered that no issues arise with the management of bins, in this instance. The applicant also notes that bin storage was not referenced in the Transport section report.
- In relation to the signal controls, the applicant notes that the Transport section acknowledged the ability to stack cars and to control movements using signals.
- The applicant identifies an area of confusion within the Transport section report, referring to the statement that there should be no footpath on the shared surface, i.e., no formal delineation of space for pedestrians. The applicant understands this to mean that there should be no raised footpath and advises that different materials have been incorporated, to distinguish care and pedestrian spaces. The applicant acknowledges that the proposal is slightly different to the Transport Section request, where it requested that the entirety of the access should be comprised of a single material. The applicant considers either approach to be acceptable.
- In relation to the protection of trees, the applicant advises that one of the reasons the apartments are located closer to the west of the site is to reduce to a minimum the impact of a large stand of mature trees on the site's east boundary. A tree survey, tree impact and management plan with mitigation measures is included in the planning pack and they deal comprehensively with impact on trees. With regard to the Sycamore tree on the southern boundary, its removal was considered acceptable in the previous application and it is highlighted that driveway amendments directly affect the root system, which traverses the access.

- The applicant notes that the Castleknock Park residents are seeking a block wall between themselves and the subject site. It is contended that the proposed boundary treatment was the agreed specification for the site with the Parks Department as it served to separate the sites and offers protection to tree roots. The same specification was recommended as a condition by the Inspector on the previous application. Should be a move away from this treatment, the applicant considers this can be controlled by condition.
- In relation to the Conservation Officer's concerns, the applicant advises that the proposal remains as per the original application and which was considered acceptable at that time.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. Submissions have been received from Simon O'Neill, 58 Castleknock Park, dated 6th September 2020 and Castleknock Park Residents Association, dated 3rd September 2020. The issues raised in these submissions can be summarised as follows:

- The development is out of character
- Development does not comply with development plan objectives relating to development in the Castleknock area.
- The appeal does not address access issues or issues raised in third party objections.
- Boundary treatments at the shared boundary with Castleknock Park are inadequate.
- Concerns that the applicant may be proposing alternative boundary works to those outlined in the application. It is considered inappropriate to control such works by planning condition and there should be engagement with residents of Castleknock Park in relation to it.

- Impact of the development on nearby protected structures.
- Impact on adjoining residential properties, including through overlooking and noise nuisance.
- The layout of the proposed road access and impacts on road, traffic and pedestrian safety are unacceptable.
- The traffic reports submitted with the application are unreliable.
- Ownership of the site is questioned
- Impact on biodiversity.

6.3.2. The Board is requested to, in the event of a grant of permission, require that no access to the site should be taken from the open spaces within Castleknock Park and is also requested to stipulate that a matching wall/railing to that provided as part of the Lidl development should be provided along the eastern site boundary.

6.4. **Prescribed Bodies**

6.4.1. An Taisce submission dated 14th October 2020, which highlights the concerns of the Planning Authority's Conservation Officer and requests that consideration is given to impacts on the architectural conservation area.

6.4.2. The appeal was also circulated to The Heritage Council and no submission was received within the consultation period.

6.5. **Further Responses**

6.5.1. None received.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Ownership of the site;
- Material Contravention;

- Scale, design and layout;
- Impact on neighbouring properties;
- Impact of protected structures and architectural conservation area;
- Road Safety, access and parking;
- Boundary Treatments;
- Other Issues;
- Appropriate Assessment.

7.2. Principle of Development

7.2.1. The proposed development is consistent with the 'TC' zoning objective, as set out in the Fingal County Development Plan 2017-2023.

7.2.2. I note that the Planning Authority's refusal reasons identify that the development would represent a material contravention of the development plan, in relation to contravention of Objective MT13, which seeks to '*Promote walking and cycling as efficient, healthy, and environmentally-friendly modes of transport by securing the development of a network of direct, comfortable, convenient and safe cycle routes and footpaths, particularly in urban areas.*' I am of the opinion that the proposed development does not represent a Material Contravention of the development plan, in relation to Objective MT13, where adequate provision is made for walking and cycling. I am therefore satisfied that Section 37(2) of the Act is not applicable in this instance and the appeal can be considered on this basis.

7.3. Ownership of the site

7.3.1. Section 5.13 of the *Development Management Guidelines* (DOEHLG, 2007) provides detailed guidance on the issue of land ownership disputes within planning applications, outlining that the planning system is not appropriate for resolving land disputes and that these are ultimately matters for the Courts. Further, it is advised that permission should only be refused on the basis of land ownership, where it is clear that the applicant does not have sufficient legal title.

7.3.2. The submission from Castleknock Park Residents' Association questions the applicant's ownership of the site, with reference to the 'Sadlier's Fields' property.

- 7.3.3. The grounds of appeal outline that the applicant has the relevant title to undertake the proposed works.
- 7.3.4. In this instance, where the applicant has asserted control of the lands and where the observer has not undermined this position, I am satisfied that there is a reasonable prospect that the development can proceed, should permission be granted.
- 7.3.5. I also note that the executors of the estate related to ownership of 'Sadlier's Fields' made a submission to the Planning Authority at the planning application stage, asserting that the construction of the boundary wall at the shared boundary would require the consent of the owners of Sadlier's Field, but this view appears to relate to an understanding that the third party lands would be required for support and temporary works, rather than a claim of ownership over part of the subject site.

7.4. Scale, Design and Layout

- 7.4.1. The scale, design and layout of the development are very similar to the previously refused development, save for omission of ground floor offices, replaced by 3 additional apartments. The applicant notes within the grounds of appeal that the proposed layout was considered broadly acceptable.
- 7.4.2. In my opinion, the scale, design and layout of the development continue to be broadly acceptable and a residential density of 71.4 units per hectare is acceptable in this location, where the site is within convenient walking distance of a range of goods and services, is centrally located and is served by public transport.
- 7.4.3. The apartment building is adequately proportioned in terms of its height and massing, maintaining satisfactory relationships to the adjoining school sites to the west and north, Castleknock National School and St. Brigid's National School, whilst locating the tallest element adjacent to the adjoining commercial development. The contiguous elevation indicates that the tallest section of the apartment block would have a similar overall height to this adjoining development. The development would also have an appropriate relationship to adjoining residential properties at Castleknock Park, to the east. Impacts on neighbouring properties are discussed further elsewhere in this report.
- 7.4.4. Observers have submitted that the height of the development fails to accord with development plan controls relating to maximum building heights in the village.

Objective Castleknock 2 imposes a maximum height threshold of 3 storeys; however, development plan controls, in terms of the application of blanket limitations on building heights, have been superseded by the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018), Specific Planning Policy Requirement (SPPR) 1 of which explicitly preclude the use of 'blanket numerical limitations on building height.' Instead, a criteria-based approach is to be taken, based on criteria outlined within the Guidelines (SPPR 2). Having undertaken an assessment in accordance with the criteria, I consider the proposed building height is acceptable in this location.

- 7.4.5. In terms of the internal layout, appropriately sized spaces appear to be provided within each apartment. An assessment of compliance with key aspects of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2018) was submitted with the application and this outlines compliance or exceedance in all areas, including in relation to the mix of units, the size and internal layout of each unit, orientation and the level of private open space provided.
- 7.4.6. Public Open Space totalling 641sqm is outlined as being provided, however; I am unclear on what part of the development constitutes public open space. The application documents state that the space '*wraps around the west and north elevations...ensuring it is located to receive adequate daylight.*'¹ Whilst the proposed site layout and landscape masterplan drawings identify formal landscaped spaces around the west, north elevations and north-east end of the building, there is no delineation of what areas specifically constitute public open space. I note in this regard that the Parks Department considered the proposals do not constitute public open space and requested that a financial contribution should be sought, in lieu, although no clarification of the reasons underpinning this determination were set out.
- 7.4.7. The issue of public open space acceptability was addressed in detail by the Inspector's report on the previously refused development, Ref. ABP-304404-18, where it was considered that '*as it is part of the immediate curtilage of the proposed apartment complex and is not easily accessible to the general public for their use, it cannot be considered public open space.*' The proposed public open spaces in the

¹ Page 20 of the Supporting Statement prepared by TBP Planning and Development Consultants

current proposed development remain within the immediate curtilage of the apartment complex and would not be easily accessible to the general public and, in this respect, I agree with the previous Inspector's assessment, that they cannot be considered public open space.

- 7.4.8. In relation to the Parks Department's request for a financial contribution in lieu of provision, a special development contribution could be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit the proposed development, and where the particular works are specified. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution. In this instance, the Parks Department has outlined that the contribution would be applied towards 'continued upgrade of recreational facilities in the Castleknock area'. Noting that Section 48(2)(c) makes provision for 'specific exceptional costs' I do not consider that continued upgrade of facilities in the area constitutes a specific exceptional cost and, accordingly, a levy is inappropriate in this case.
- 7.4.9. Communal open space is proposed in the form of a roof terrace measuring 274sqm, although no detailed proposals in relation to layout have been provided. A roof terrace is acceptable as communal open space, particularly in the context of other open spaces proposed at ground level. Its layout can be agreed with the Planning Authority.

7.5. Impact on Neighbouring Properties

- 7.5.1. Adjoining properties are in a mix of uses, including commercial to the south, education to the west and north and residential to the east.
- 7.5.2. Regarding the relationship with residential properties at Castleknock Park, the development would be sited a minimum of 17m from the east property boundary and approx. 25m from the rear of the closest adjoining house, 61 Castleknock Park. And, whilst there are a number of east facing units within the development, the relationship is such that most east-facing units would not have a direct view of the adjoining rear garden and those that would, units 7 and 8 at first and second floor levels, would be set further away from the property boundary, 25m away. No undue

overlooking would arise and, accordingly, I consider the relationship of the development to neighbouring residential properties is acceptable.

- 7.5.3. Regarding the school sites to the west and north, the development would be set off the west boundary by between 8m and 10m and from the north boundary by 11m. There are west and north-facing units across all floors and those units on the upper floors in particular would overlook the adjoining properties. Notwithstanding such overlooking, I consider the relationship of the development to these school sites would be appropriate, having regard to the central location of the site within the built-up area Castleknock village. It is inevitable that redevelopment of the subject site will give rise to some level of overlooking of these sites and it does not, in my view, present any security concerns for these schools.
- 7.5.4. The development would maintain an appropriate relationship to the commercial development to the south.
- 7.5.5. One of the observers cited concerns related to noise emanating from the proposed roof terrace. The site is in a central location and is adjoined by a mix of uses, which themselves create noise, to varying degrees. Whilst some additional noise may arise from the roof-level terrace, I do not consider it would be significant or unacceptable.

7.6. Impact on Protected Structures and Architectural Conservation Area

- 7.6.1. Regarding the protected structures, Nos. 1-4 Castleknock Road, the Former Post Office House and Village House, I do not consider the apartment building itself would have any material impact on their character or setting, however; I have some concerns in relation to the proposed access arrangement. In regrading and widening the site access to approx. 7.6m (including the boundary wall and bin transfer area), the development would strip the boundaries in the area of all vegetation, exposing the gable wall of the adjoining protected structure, and would install a new bin transfer area immediately adjacent to the boundary.
- 7.6.2. I acknowledge that a balance needs to be struck between properly servicing the development and protecting the character and setting of the protected structure and that the level to which the apartments would be set back from Castleknock Road, together with the fact that the site cannot be accessed by a refuse cart, necessitates the incorporation of a bin transfer area. However, its location and design should be carefully considered, in order to ensure it would not have any undue impact on the

protected structure. I note in this regard that the Planning Authority's Conservation Officer has also expressed concerns in relation to the impact of the revised access layout on the protected structure and has asked that the location of the bin transfer area be re-examined. Should permission be granted, I recommend that a condition is attached, requiring the applicant to agree the location and design of the proposed bin transfer area with the Planning Authority.

7.6.3. The Architectural Conservation Area (ACA) for the village includes the access, up to the point at which the site opens up. I do not consider the development would have any undue impact on the ACA, given the level of setback from the main streets within the ACA and also the setting of the development, in an area where there are similarly scaled buildings. I note that the Planning Authority's Conservation Officer considered that the development would have limited visual impact, in views from the main streets within the ACA.

7.7. Road Safety, Access and Parking

7.7.1. The design and layout of the proposed access from Castleknock Road was a key aspect of both the Planning Authority's refusal of the current proposed development and also the Board's refusal of the previous development, Ref. ABP-304404-19, with both refusals citing concerns regarding pedestrian safety along the access and also the absence of permeability.

7.7.2. The grounds of appeal outline that, following the previous refusal, an updated topographical survey has established that a wider minimum width, of 4.02m, can be maintained for the entire one-way section of the access and that this would allow for a consistent 1.2m wide pedestrian footway and 2.85m wide carriageway. In addition, enhanced lighting is proposed along the access and surface materials have been amended, to provide a distinction between the pedestrian zone and the carriageway.

7.7.3. Regarding the access from Castleknock Road, the applicant has outlined that adequate visibility sightlines are achievable in both directions, as per *Design Manual for Urban Roads and Streets* (DMURS) requirements. The Planning Authority's Transportation section has also assessed the access junction layout and considered that adequate visibility has been provided.

7.7.4. In terms of the access route itself, it is proposed to facilitate two-way traffic on the initial section, closest to Castleknock Road, thereafter reducing to a one-way system,

controlled by traffic signals. The access would comprise a shared surface for its entire length, with road markings provided on the two-way section and a mix of surface materials provided over the full length.

- 7.7.5. The existing access is long and narrow and is only capable of limited modification, due to the extent of land ownership. In this context, and for a residential development of this scale, the proposed layout and signal controls are in my opinion acceptable, where there is room for a number of vehicles to queue on the two-way section and there is good forward visibility along the one-way section for both vehicles and pedestrians, allied to signal controls to control the flow of traffic. The Transportation section also deemed the layout to be acceptable, subject to the provision of signal controls.
- 7.7.6. In relation to the shared surface, the proposed layout delineates pedestrian and vehicle zones in contrasting surface materials. DMURS advice in relation to shared surfaces outlines that '*the key condition for the design of any shared surface is that drivers, upon entering the street, recognise that they are in a shared space and react by driving very slowly.*' The advice recommends that a variety of materials should be used to indicate that the carriageway is an extension of pedestrian domain, raised kerbs should be avoided and the width of the vehicular carriageway should be minimised.
- 7.7.7. I consider a shared surface arrangement is acceptable to serve the development, where there is adequate space available for both pedestrian and vehicular traffic along the access, however; I would question the use of contrasting materials to clearly delineate separate pedestrian and car zones, as this may serve to give priority to cars. I note in this respect that the Transportation section, whilst not objecting to the shared surface arrangement, expressed concerns in relation to the proposed surface treatments and outlined that there should be no formal delineation of vehicle and pedestrian spaces and that surface material changes should be incorporated along the shared space, to further enforce low vehicle speeds. Where a shared surface arrangement is considered acceptable, I would recommend that a condition be attached, should the Board grant permission, requiring that surface materials should be agreed with the Planning Authority.

7.7.8. The grounds of appeal outline that 28 car parking spaces are proposed, however; I note that the application document identify 27 parking spaces, to the rear (east) of the building, accessed via an undercroft at the south end of the building. This is also acknowledged by the Transportation section. The development plan (table 12.8) allows up to 41.5 spaces to be provided as part of the development, including visitor parking. I note that the Transportation section report outlines that the development incorporates the minimum level of parking and does not allow for visitor parking, which would require a further 5 spaces. Having regard to the central location of the site, I consider the 27 spaces proposed are adequate.

7.7.9. In relation to connectivity, the site is served by a single access and there are limited options available, to facilitate additional pedestrian connections through to the village centre. The previous appeal on the site discussed, at length, the history of both the subject site and the adjoining commercial lands to the south, outlining that there is no opportunity available to connect through to these lands, instead identifying a future connection point which would allow a connection through lands owned by the Church of Ireland, should those lands be redeveloped. This future connection point is also identified as part of the proposed development. I accept that there are very limited options available to the applicant, particularly where the commercial lands to the south have now been developed and that the Church of Ireland lands provide the only realistic opportunity to provide for pedestrian connectivity, aside from the existing Castleknock Road access. Given the site's central location, and particularly where the village centre is very accessible on foot via the existing access, I consider that the absence of alternative pedestrian connectivity options would not represent a justifiable reason for refusal of the development.

7.8. **Boundary Treatments**

7.8.1. The treatment of boundaries along the site access is a critical aspect of the development, given its characteristics and the surrounding context. They require careful consideration, in terms of providing a sense of place at the entrance to the development; in terms of allowing for passive surveillance; in terms of protecting the character and setting of the adjoining protected structure; and in terms of providing appropriate boundary treatments at shared boundaries with other properties.

- 7.8.2. The grounds of appeal outline that further consideration has been given to boundary treatments along the access in particular, following the previous refusal, and an amended proposal is now incorporated. The proposed boundaries can be characterised as a 2m block wall and 1.8m fence along the north boundary and a 1.6m hedge and 1.8m close board fence along the south boundary. The landscape masterplan does not appear to identify the treatment for the shared boundary with 4 Castleknock Road, a Protected Structure.
- 7.8.3. Additional treatments are proposed in the area of the access off Castleknock Road.
- 7.8.4. I have some concerns regarding the number of different treatments proposed along the access route, which may have an enclosing effect on the access. However, in saying this, I accept that there are limited options available to the applicant, due to the configuration of the access, the nature and extent of existing boundary treatments along the shared boundaries, the need to ensure privacy screening is provided to adjoining properties and the desire to maintain a potential connection point along the south boundary, which would allow access through to the village centre. Having particular regard to the constraints along the site access, the nature of adjoining properties and the fact that the access provides the sole means of access the site, I consider the proposals are adequate.
- 7.8.5. I disagree with the reference to a deficiency of overlooking of the access, within refusal reason 1 of the Planning Authority's decision. There are a number of west-facing units within the development, which contain windows and balconies that look directly onto the access and due to the effectively straight nature of the access, they would have a high degree of visibility over the access. The incorporation of street lighting along the access will also assist, in this regard. Should the Board have concerns regarding the level of overlooking of this area, a more open boundary treatment could be provided, for example a dwarf limestone wall and metal railings, which would allow overlooking from within the school site during the day. There is currently a palisade fence along the school side of the boundary and there would be no additional safety risks arising from such an arrangement, in my opinion.
- 7.8.6. Proposed boundary treatments along the east, west and north boundaries are acceptable. In relation to the proposals for the east boundary, 2m high 20mm diameter round bars, this has been designed in order to preserve tree roots and is

appropriate. I note that within the grounds of appeal, the applicant outlines that the matter of this boundary was discussed with the Planning Authority's Parks department prior to submission of the application. The Castleknock Park Residents Association seek a wall and railing arrangement, similar to that provided on the south-adjointing commercial lands, but I see no reason for such a requirement, where the proposals provide a barrier to access and would allow for retention of trees along the shared boundary.

7.9. Other Issues

- 7.9.1. The grounds of appeal express concern at the lack of consideration given to applicable national planning policy by the Planning Authority, vis-a-vis the National Planning Framework (NPF), in their assessment of the application. The supports within the NPF relating to the provision of new housing in sustainable locations, at sustainable densities and incorporating appropriate building heights are acknowledged.
- 7.9.2. Although not surveyed or assessed by the tree reports submitted with the application, the development will likely result in the loss of a street tree along Castleknock Road, within the ACA, to the north of the access. This tree is within the visibility triangle facing north, from the access. This would be unfortunate, as it contributes to a tree lined approach to the centre of the village, but its loss would not provide a justifiable basis for a refusal of permission, in my opinion. In the circumstances, I consider it appropriate that, should permission be granted, a condition should attach requiring a financial contribution toward the replacement of this tree.
- 7.9.3. The Parks department expressed concerns in relation to the impact of the development on trees adjacent to the east site boundary, related to root severance and/or soil compaction. The apartment building is located at least 17m from the east site boundary and, in my opinion, is adequately set back from these trees to ensure that they can be retained, subject to adequate protection measures being in place.
- 7.9.4. The Parks department also requested that Sycamore tree along the south site boundary that is to be felled should be replaced with an appropriate large specimen tree. Given the constraints of the site access, such a replacement is likely to be

provided elsewhere within the site. This can be controlled by condition, to be agreed with the Planning Authority, as part of the agreement of landscaping measures.

7.9.5. Concerns were expressed by the third party observers that the development is premature, pending completion of a new urban framework plan for Castleknock. Development plan Objective Castleknock 1 outlines a commitment to prepare such a plan for the village but such a plan does not appear to have been prepared to date and I consider it would be unreasonable to delay the development of zoned lands until such time as it is published. The site is zoned under the development plan and there are adequate policy controls to allow detailed assessment.

7.9.6. One of the third party observers cited concerns in relation to impacts on biodiversity. The site is not subject to any environmental designation, nor are adjoining lands. It is a brownfield site in close proximity to the centre of Castleknock. I do not consider that any impacts on biodiversity would arise, which would justify a refusal of permission.

7.10. Appropriate Assessment

7.10.1. The site is not located within or adjacent to any Natura 2000 sites. Having regard to the nature and scale of the proposed development, on urban, zoned and serviced lands, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted, subject to conditions as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

9.1. Having regard to the 'TC' zoning which applies to the site under the Fingal County Development Plan 2017-2023, under which residential development is permissible, together with the central location of the site, the nature and scale of the proposed development and the pattern of development in the vicinity, the proposed development would be an appropriate form of development, would not seriously

injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 17th April 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of external finishes shall be submitted for the written agreement of the Planning Authority prior to commencement of works, no alterations to same will be permitted in the absence of prior written consent of the Planning Authority.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
3.	<p>Prior to commencement of development the developer shall submit details regarding boundary treatments to the planning authority for written agreement, including a method statement indicating how individual treatments shall be constructed/provided without significantly impacting on the root systems or integrity of existing trees outside the site.</p> <p>Reason: In the interest of visual amenity and to protect residential amenity</p>
4.	<p>Prior to the commencement of development, the following details shall be submitted for the written agreement of the planning authority:</p> <ul style="list-style-type: none"> • A signalised shuttle system to control traffic along the one-way element of the road access.

	<ul style="list-style-type: none"> • The design of the shared surface road access, which shall incorporate <i>Design Manual for Urban Roads and Streets</i> 'shared surface' principles. • Measures, which shall include contrasting materials, signing, and road marking, etc, to ensure that vehicles entering/leaving the development are aware that pedestrians have priority across the site entrance and that vehicles must yield right -of-way. • A traffic management plan. • At least two electric vehicle parking spaces to be provided and all parking spaces shall have the infrastructure in place to enable future provision. • Proposals that make provision for a tailored resident's mobility management plan. • Details of the provision of the yellow box at the entrance on the Castleknock Road. <p>Reason: In the interest of traffic safety.</p>
5.	<p>The developer shall agree the location and design of the proposed bin transfer area prior to the commencement of the development.</p> <p>Reason: To protect the amenities of the area.</p>
6.	<p>Prior to the occupation of development, a Car Parking Management Plan shall be submitted for the written agreement of the Planning Authority. This plan shall indicate how spaces will be assigned and how use of the car parking will be continually managed. Car spaces shall not be sold, rented or otherwise sub-let or leased to other parties.</p> <p>Reason: In the interests of orderly development and traffic safety.</p>
7.	<p>At the location of the future access point to the lands to the south of the application site, no planting shall be provided and all underground services within the driveway shall be designed and constructed to facilitate future access at this location.</p> <p>Reason: In the interest of orderly development.</p>
8.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the</p>

	<p>developer shall: (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues: (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
9.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>

10.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any house / unit within the relevant phase of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
12.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
13.	<p>Details of proposed landscaping including for the proposed roof-level terrace shall be agreed with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity and to protect residential amenity</p>
14.	<p>Measures to ensure the protection of trees to be retained on the site and trees on lands which adjoin the site shall be agreed with the Planning Authority prior to the commencement of development.</p> <p>Reason: In order to ensure adequate protection of trees.</p>
15.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
16.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>

	<p>development. This plan shall include details of intended construction practice, noise and dust management measures, traffic management, parking proposals for construction workers on the site and storage of materials and waste within the site.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
18.	<p>During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended unless an exemption certificate shall have been applied for and been granted under section 97 of the Act.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
20.	<p>Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning</p>

	<p>authority prior to commencement of development. Thereafter, all estate signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
21.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the replacement of an existing street tree to the north of the access, where it is required to be felled as part of the development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application</p>

	<p>of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
23.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

Barry O'Donnell
 Planning Inspector

30th November 2020