



An
Bord
Pleanála

Inspector's Report

ABP-308122-20

Development	Construction of 2 no. apartment blocks
Location	Lilmar Industrial Estate, Oak Avenue, Santry, Dublin 9.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0004
Applicant(s)	Steinfort Investment Fund
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	First & Third Party
Appellant(s)	Steinfort Investment Fund Paul Byrne & Peter Honan
Observer(s)	None
Date of Site Inspection	25 th of November 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site is located at Lilmar Industrial Estate, Oak Avenue, Santry. It lies between Oak Avenue to the south and east, to the west by Lilmar Avenue and the Knightswood Estate. The Royal Oak Estate is to the north and the cul-de-sac Oak Lawn immediately adjacent and abutting to the north of the site. The Industrial estate has been in situ for some time and the wider area is primarily low rise residential.
- 1.2. Access is from Oak Avenue to the south of the site. Coolock Lane (R104) is further to the south and can be accessed at approx. c. 180m to the west of the site via Oak Avenue. The M50 Santry interchange is further to the east. Lilmar Avenue is a single lane access road serving the industrial units to the north of the site and the two houses on site.
- 1.3. This is a brownfield site that is currently occupied by two blocks, one two-storey and a single storey block of light industrial/commercial/office including car repair uses. Some of these units are now derelict, others remain operational. The area generally appears underutilised and the units in poor repair. The access road within the Lilmar estate is potholed and poorly surfaced. There are 2no. two storey houses that are occupied, within the estate. Adjacent industrial units to the north, are in separate ownership and businesses are operational and do not form part of the subject site.
- 1.4. To the south and west the site is bound by Oak Avenue and Knightswood residential estate to the west that consist of 2 storey terraced units. Oak Lawn residential estate is to the north. Houses in these estates adjoin the site. There is a high wall along the eastern boundary of the site with the area of open space to the east. This area which is outside of the site boundaries includes trees and shrubs. There is a pedestrian access to the M50 interchange from Oak Avenue.

2.0 Proposed Development

- 2.1. This proposal seeks permission for the following all on a site of 0.41ha at Limar Industrial Estate, Oak Avenue, Santry, Dublin 9:
 - Demolition of existing industrial units (2417sq.m);

- Construction of 2no. apartment blocks (3-5 storeys in height) comprising 35 no. units (13no. 1-bed, 18no. 2-bed, 4no. 3-bed) all with balconies/terraces facing north/south/east/west.
- Development to be accessed from Oak Avenue (existing) to the south with additional new pedestrian access to the east.
- Provision of car parking (surface) and cycle parking, open spaces and all associated site development works, landscaping, boundary treatments and other servicing works.

2.2. Documentation submitted with the application includes the following:

- Planning Report – An Apartment Development – McGill Planning
- Architects Design Statement – vanDijk Architects
- Shadow Study – vanDijk Architects
- Landscape and Visual Assessment – Photomontages – parkhood.com
- TreeSurveys Ltd – Consulting Arboriculturists
- Preliminary Construction Management Plan – Burnett Homes
- Traffic and Transport Assessment Report – DBFL Consulting Engineers
- Infrastructure Design Report – DBFL Consulting Engineers
- Site Specific Flood Risk Assessment – DBFL Consulting Engineers

2.3. Drawings including Site Layout Plan, Floor Plans, Section and Elevations, Contextual Elevations and Infrastructural drawings.

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 12th of August, 2020 Final County Council granted permission for the proposed development subject to 21 no. conditions. These included modifications to design and layout resulting in the omission of a floor and a reduction in no. of units, landscaping, lighting, surface water drainage, provision of car parking spaces, demolition and construction management including noise and dust monitoring, hours

of operation, maintenance of roads, agreement with Irish Water for connections to water/wastewater network, Part V, undergrounding of public services, no additional development above the roof parapet, waste management plan, security bond and development contributions.

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 and to the interdepartmental reports and to the submissions made. Their Assessment includes the following:

- The site is located within the 'RS' Residential land use zoning. The current uses and structures on site detract from the visual amenities of the area and an underutilisation of zoned land. The redevelopment of the site is therefore acceptable in principle and considered positive.
- The entirety of the industrial estate is not proposed to be developed as part of this proposal.
- Given Santry's position within Dublin City and suburbs the policy direction at metropolitan level is to consolidate development.
- They consider that given the site constraints and context that the proposed density is at the upper end of what can be accommodated on this site.
- Considering the subject sites suburban edge location and context they recommend that 4 storeys to be the maximum considered acceptable.
- They have regard to the open space provision and layout and consider that is very limited. Also landscaping and access to public open space.
- They recommend that revised plans be submitted relative to design and layout and mix of apartments in accordance with the current Guidelines.
- They recommend that in view of the site context a noise impact assessment and acoustic design statement should be carried out.

- They note the proximity of the site to public transport corridors and also the issues raised by the Council's Transportation Section including the distribution and insufficient onsite carparking.
- They note drainage issues and provide that the proposals will result in an improvement to the current situation.
- Given the nature of the proposed development, the proposal to connect into the existing services and the distance to the closest Natura 2000 site, no negative impacts on Natura 2000 sites are anticipated.
- They note Submissions made relative to the impact on residential amenities.
- They conclude that while acceptable in principle, there are several issues that require clarification and further information with respect of the design and layout of the proposed scheme, parking and pedestrian and vehicular access to the existing units, noise impact assessment and glint and glare assessment of proposed solar panels.

Further Information request – included the following:

Design and Layout

- Revised drawings showing the reduction in the 5 storey Block B by one floor.
- Modifications to the design and layout of the apartments, including cross-sections, roof plans and solar panels.
- A Shadow Study in respect of the impact of the proposed development on adjoining properties.

Landscaping and Open Space

- A revised landscape plan layout to include the provision of public open space in accordance with DP standards, play provision, street tree planting plan, boundary treatment, pedestrian linkages.

Carparking

- A revised site layout plan to address the carparking issues raised including passive surveillance, car parking for existing buildings, spaces to be provided within the scheme etc.

Other issues

- A Building Lifecycle Report to be provided.
- A Noise Impact Assessment and Acoustic Design Statement to be provided.
- A.I to be provided relative to potential glint and glare hazard to aircraft operation from the solar panels shown on the buildings.

Further Information submitted

McGill Planning Limited response on behalf of the Applicants includes the following:

- It is not proposed to revise the height of the proposal from the 3-5 storey height range submitted at application stage. They provide their rationale for this having regard to the contextual location of the site (which they consider landmark) and planning policy and guidelines. They also refer to the Daylight and Sunlight Study submitted.
- They submit that the proposed 3-5 storey development is suitable for this brownfield redevelopment site close to a key intersection in the north of Dublin City and is in accordance with good urban design principles as promoted in national and local policy.
- They refer to the revised HQA prepared by VDA Architects which confirms that there is only 1 of the units that is 2 bed (3 person) – 3%. This also confirms that 63% of the units are at least 10% above the minimum floor area standards.
- They provide details of the provision of open space and consider that overall the proposed development accords with the open space standards of the development plan and the Apartment Guidelines.
- The play area has been relocated to the central open space as recommended in the Apartment Guidelines. Overlooking and surveillance of the open space will be optimised.
- Landscape Proposals have been prepared by ParkHood Landscape Architects for details of boundary treatments. The Landscape proposals show pedestrian access to the east of the site omitted. It is also omitted from the overall Site Layout Plan.

- The lane to the east of the two dwellings will be well lit and will be overlooked by the balconies of 5 units in proposed Block A.
- The car park areas, including that proposed to the north east of the site will be well supervised and have passive surveillance.
- A combination of footpaths and shared surface, as per the revised Site Layout Plan will allow safe and sufficient access to existing businesses in the estate.
- They note that the overall development will be retained in private ownership and all areas will be managed by an estate management company. None of the proposed development will be taken in charge.
- A Lifecycle Report has been prepared by DPS.
- A Noise Impact Assessment has been prepared by Traynor Environmental.
- The solar panels originally proposed are now omitted and therefore a Glint and Glare Report is not required.

Planner's response

The Planner had regard to the F.I submitted, to the interdepartmental reports and submissions made and their response included the following:

- They note that the revised drawings do not provide for the omission of the second floor of Block B so that the height is reduced to 4 storeys and consider this essential relative to the impact on the amenities of the area and to the integrity of the scheme including car parking provision. They recommend that this be conditioned.
- They consider that the proposed unit mix is in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines.
- They refer to the Planning response that 1 no. 2 bed (3 person) unit is provided. The revised HQA drawings do not illustrate any such unit and they note this discrepancy.
- They have regard to the Daylight and Sunlight Assessment provided. They consider that subject to the reduction in height of Block B by condition the response of the A.I request is acceptable.

- They submit that the proposed courtyard and play facilities are acceptable as communal open space and note the Parks Department concerns regarding the provision of public open space.
- They recommend conditions relative to landscaping, tree planting and public lighting and boundary treatment.
- They have regard to permeability and consider the omission of the proposed pedestrian access to the east of the site to be acceptable. Also, that the provision of a pedestrian link from the development through to Oak Avenue will contribute to the permeability of the scheme.
- They note that the Consulting Engineers have submitted a revised roads layout drawing showing 36no.parking spaces to be provided. It is recommended to omit 6no. apartments from Block B which will enable a distribution of spaces between apartments and existing businesses and they consider that this can be addressed by condition.
- They welcome targets so that apartments reduce energy consumption and running costs. They recommend a condition to provide electric connections to allow for the provision of future electric charging points.
- They recommend that a condition be attached to require the implementation of the recommendations in the Assessment of Inward Noise Impact Report.
- They consider the response providing for the omission of the solar panels to be acceptable.
- They consider that the proposed development is acceptable and recommend permission be granted subject to conditions, including the omission of the 2nd floor in Block B and the reduction in height to 4 storeys.

3.3. Other Technical Reports

Transportation Planning Section

This has regard to the access, traffic calming, provision of a pedestrian crossing and insufficient parking provision. They recommend that F.I be submitted to include a

revised layout addressing concerns, regarding pedestrian/vehicular access to the existing building to be retained.

They note the revisions made in the F.I submitted and consider it would be preferable to see parking spaces located adjoining the respective apartment buildings. They do not object to the revised plans and recommend conditions.

Environment and Water Services

They request that a detailed construction and demolition waste management plan be submitted, and agreed in writing with the PA.

Water Services - They have no objections subject to conditions.

Environmental Health

They have no objections subject to conditions including relative to construction phase and restrictions on noise and dust emissions. In response to the F.I they recommend the implementation of noise measures outlined in the acoustic assessment.

Parks and Green Infrastructure

Details are given of public open space requirements. There are concerns about the limited size and distribution of the open space. Also, about proposed pedestrian access to the south and east and lack of landscaping and boundary treatment. They recommend that additional information be sought on these issues.

In response to the F.I submission they note that no public open space has been provided in accordance with DP standards and so they recommend that a financial contribution in lieu of Public Open Space to be used towards the upgrading of recreational facilities in Santry Demesne. They have regard to pedestrian access, landscaping and boundary treatment and recommend conditions.

Culture and Sports - They have no objections.

3.4. Prescribed Bodies

Irish Water - They have no objections subject to conditions.

Irish Aviation Authority -They provide that they have no observations to make.

Dublin Airport Authority

They refer to compliance with Objective DA13 of the Fingal DP. They note that this proposal seeks to attach solar panels to the proposed south facing roof slope. In the interest of aviation safety, they request that the applicant demonstrate that the proposal would not result in a glint or glare hazard to aircraft operations and that account be taken of this in assessing the application.

3.5. Third Party Observations

A number of submissions have been received from local residents, businesses, and public representatives. These have been noted in the Planner's Report and are considered further in the context of the Grounds of Appeal and Assessment below.

4.0 Planning History

Subject site

- Reg.Ref. F06A/1481 – Permission refused by the Council for the Demolition of part of existing industrial units (1,743.41sq.m) and construction of 53 residential units as follows: 14no. one bedroom apartments, 37no. two bedroom apartments and 2no. three bedroom apartments all on a site of 0.96 acres. The proposed development ranges in height from 3 storey to 5 storey over basement. The development included 8no. surface car parking spaces, and 70no. underground car parking spaces, bicycle storage area, 3no. landscaped courtyards, balconies and a landscaped roof garden area. Access to the proposed development is from Oak Avenue (existing) on the southern site boundary. The development also included basement level plant room and all associated drainage, landscaping, boundary treatment and ancillary works to facilitate the development at Lilmar Industrial Estate.

This was subsequently granted subject to conditions by the Board, the number of units was reduced to 43 – PL06F.221250 refers.

- Reg.Ref.F06A/1481/E1 – Extension of Duration permission granted by the Council until 10th of January 2018. This development was never constructed.

Other Residential Development

Note is had in the Traffic & Transport Assessment submitted, of other Committed Development in the area.

- F17A/0449 – Permission granted subject to conditions by the Council for the demolition of existing houses and outbuildings and the construction of 32no. residential apartments (7no. one bed, 21no. two bed and 4no. three bed units) in a part 3 storey with set back fourth floor penthouses levels and part four storey building with set back fifth floor penthouse level. 41no car-park spaces to be provided over two levels of a car-park deck and a 6m wide access road from the front slip road off Coolock Lane. Balconies or terraces are to be provided for all apartments, landscaping and all ancillary works.

Permission was subsequently granted subject to conditions by the Board (Ref. ABP-300523-17 refers). Condition no 2 (d) is of note: *Each three bedroom units shall be designated two number car parking spaces and all other units shall be designated one number car parking space. The remaining four number spaces shall be reserved for the use of visitors.*

5.0 Policy Context

5.1. National Policy

It is submitted that the key policy and guidance documents of relevance to the proposed development are as follows:

- Project Ireland 2040 National Planning Framework (2018)
- Regional Spatial and Economic Strategy 2019-2031
- Regional Planning Guidelines for the Greater Dublin Area 2010-2022
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DECLG, 2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets 2019

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)

5.2. Fingal County Development Plan 2017-2023

Zoning

The site is zoned 'RS' Residential where the Objective seeks to: *Provide for residential development and protect and improve residential amenity.*

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

Residential is permitted in principle within this zoning.

The strip of land adjoining the site to the east is zoned 'OS' - Open Space where the Objective seeks to: *Preserve and provide for open space and recreational amenities.*

Urban Fingal - Santry

Table 2.9 provides the Fingal Settlement Strategy and notes that Santry is within the Metropolitan Area and in Consolidation Areas within Gateway.

Chapter 4 provides a number of policies and objectives of relevance to Santry. The Development Strategy seeks to: *Consolidate the development of Santry, while protecting existing residential amenities.*

Placemaking

This includes Objective PM37 which seeks to: *Ensure a holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and services, is taken in the design and planning of new residential areas, so as to ensure that viable sustainable communities emerge and grow.*

Objective PM38: *Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.*

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

Objective PM65: *Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.*

Development Management Standards

Chapter 12 includes regard to Apartment Development being of high quality design and layout, having due regard to the character and amenities of an area. It is recommended that apartment units be dual aspect where possible, and to provide a mix of units to cater for different size households.

Objectives DMS20 to DMS23 refer to design criteria.

Objective DMS26: *For apartment schemes between 10 and 99 units, require that the majority of all apartments in a proposed scheme must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. This may be redistributed throughout the scheme, i.e. to all proposed units.*

Details are included relevant to minimum standards of floor space.

Objective DMS28: *A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.*

Objective DMS 30: Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: *A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting* or other updated relevant documents.

Objective DMS31: Require that sound transmission levels in semi-detached, terraced, apartments and duplex units comply as a minimum with the 2014 *Building Regulations Technical Guidance Document Part E* or any updated standards and

evidence will need to be provided by a qualified sound engineer that these levels have been met.

Objectives also refer to the provision of constituted management companies for apartment type schemes, of communal laundry rooms, storage space, refuse storage facilities in high density facilities.

Objectives DMS57 and DMS57B refer to the provision of public open space – a minimum of 10% of the site area. Discretion can be allowed by the Council to accept a financial contribution in lieu of public open space provision.

DMS89 – DMS92 refer to the provision of Private and Communal Open Space for Apartments/Duplexes. Table 12.6 notes Minimum Space Provision.

Regard is had to Sustainable Transport, including provision for walking and cycling.

Objective DMS117: *Require new developments to be designed in accordance with DMURS. In particular they shall have layouts and designs which reflect the primacy of walking and cycling by providing safe, convenient and direct access to local services, employment and public transport.*

The promotion of cycling as a sustainable mode of transport is supported. Table 12.9 provides Bicycle Parking Standards.

Objective DMS119 supports public transport improvements.

Details are given relative to Car Parking Standards in Zones 1 and 2. Table 12.8 provides the Car Parking Standards. This also includes regard to visitor parking.

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

Variation No. 2

The Fingal Development Plan 2017-2023 was varied in June 2020 to align with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).

Section 2.8 refers to Settlement Strategy for Consolidation Areas within the Metropolitan Area, which include parts of the city suburbs located close to the M50.

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

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

Variations to Chapter 3 – Placemaking include the deletion and insertion in Section 3.4 of Objective PM42: *Implement the policies and objectives of the Minister in respect of ‘Urban Development and Building Heights Guidelines’ (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Planning and Development Act, as amended.*

5.3. Natural Heritage Designations

The closest pNHA is the Santry Demesne pNHA c.1km to the west. There are no Natura 2000 sites within 4km of the appeal site, while in the wider area there are a number of coastal SPAs and SACs, which are all in excess of 4kms from this serviced site.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development on a fully serviced site 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

First and Third Party Appeals have been submitted. As different issues are raised their Grounds of Appeal are considered separately below:-

6.2. First Party Appeal

McGill Planning have submitted a First Party Appeal on behalf of the Applicants Steinfort Investment Fund. Their Grounds of Appeal include the following:

- Their appeal is against Conditions Nos.2(a), (b) & 3 of the Council's permission.
- While they welcome the Council's decision to grant permission, they consider that the decision to omit the 2nd floor of Block B is unnecessary given the bespoke design of the block. They consider that it provides a high quality design, increased residential density and will not be out of character with the locational context of the area.
- They consider the Council's rationale for omitting the 2nd floor of Block B to be tenuous and unreasonable. They wish to appeal Conditions 2(a) and (b) and 3 in order to retain the 3-5 storey height and the 35 units originally proposed.

Height and Design

- The proposed development seeks to engage with and broaden the residential character of the area, in terms of form, design, and typology.
- The scheme is not monolithic or bulky. They refer to the design and layout and note that there is a transition in height and blocks lower where adjacent to neighbouring properties.
- The apartments have been designed around a courtyard with the massing responding directly to the receiving urban context to create a dynamic urban form. They provide details of the external finishes.
- They ask the Board to adjudicate on the considered design, and the modulation of form, height and massing which provides for a dynamic and attractive residential design.

Existing Residential Amenities

- They disagree that the 5 storey block will likely have a negative impact upon the residential amenity of the area in terms of overlooking and overshadowing. They direct the Board towards the architectural drawings and visualisations.

- They include a corrected version of the Daylight & Sunlight Report prepared by Digital Dimensions (Appendix B refers). It is evident from Table 1 in the report that it is summarised that the daylight impact on adjoining properties is acceptable within the BRE criteria.
- As per Section 3.2 of the Section 28 Building Height Guidelines, the form, massing and height of the development has been carefully modulated to maximise access to daylight and minimise loss of light and overshadowing.
- The block will not cause overlooking of residential properties. They consider that there is no reason to reduce the height of Block B in relation to undue loss of light or privacy of adjoining properties.

Parking

- They refer to the Apartment Guidelines (2018) and consider that the proposal complies with these relative to reduced parking.
- They consider that there is no reason for the omission of a full floor of 6 units from Block B relative to parking provision. They have regard to the contextual location of the site, proximate to public transport links.
- There are a number of other businesses remaining to the north of the site. A.T.Manders Wholesale to the northwest of the site has its own parking arrangement on its premises that is unaffected by the development.
- In addition to the residential car parking spaces the proposed development includes for 2 spaces to serve the Santry Printing business located in the north-east of the estate, whose existing parking has to be relocated as a result of the development.
- Markmaster Ireland, 'We Do Media' and the Dublin Christian Fellowship have a shared parking arrangement to the north of the site as per the photograph submitted. 'We Do Media' is located within the Christian Fellowship unit.
- They provide details of parking relative to these units and note that as part of the application it is proposed to remove uncontrolled parking along the western site of the estate road which is under the control of the applicant.

- In addition, as part of the reduced parking strategy, the development will be provided with 70 dedicated bicycle spaces for residents.
- They consider that the parking provision for the residential units is adequate for this intermediate urban location and the proposed reduction in unit numbers is not required.

Conclusion

- They contend that the proposed design and layout is acceptable that the 4-5 storey Block B will not negatively impact on the residential character and visual amenities of the area or on residential amenities including daylighting and privacy and will provide a sustainable level of carparking to serve future residents.
- They ask the Board to remove Conditions 2(a) and (b) and Condition no 3 of the Council's permission.

6.3. Third Party Appeal

Hughes Planning & Development Consultants have submitted a joint Third Party Appeal on behalf 2 no. businesses within Lilmar Industrial Estate i.e: Paul Byrne, Santry Printing Ltd, Unit 5 and Peter Honan, Markmaster Ireland Ltd, Unit 7. This has regard to the locational context of the site, planning history and policy. Their Grounds of Appeal as summarised include the following:

- The proposal would result in piecemeal development, which if approved, would result in residential units and industrial units sharing the same estate and resulting series of inappropriate conflicts between large commercial vehicles have not been addressed by the applicants in terms of deliveries and collections which occur frequently.
- The development results in an unacceptable impact on existing carparking and access rights, which are essential to the operation of the existing units adjacent to the subject site.
- Inappropriate demolition is proposed to a current building that is connected to the Appellants building. This has the potential to cause serious structural damage and cause a significant amount of dust, which would have a detrimental impact on their business.

- The construction phase will significantly impact on business in this estate and neighbouring communities. Serious negative effects during construction stage, would be worsened by having only 1 access point into the estate.
- The narrowing of the entrance laneway along the western side of the industrial estate, will make it harder to achieve 2 way traffic and for emergency vehicles to access the site.
- The proposed development contravenes Zoning RS – ‘Residential’ in the Fingal DP 2017-2023 with the objective to *provide for residential development and protect and improve residential amenity.*
- The proposal would result in an inappropriate residential development, setting an undesirable precedent for future similar development.
- It would result in a detrimental impact on the amenity of adjacent properties by way of overshadowing, overlooking and excessive mass and bulk.
- The proposed apartment units would constitute overdevelopment and could lead to a proliferation of similar infill developments in the vicinity of the site, thereby damaging the consistent pattern and character of the area.
- There is an emergency doorway and stairwell that serves Santry Printing Ltd. which is not shown on the architectural drawings submitted to the Planning Authority despite an established right of way being in place for a fire escape from an existing premises.
- There is a significant shortfall in the number of car parking spaces provided by the proposed development. This proposal has also not taken into consideration the need for parking spaces for other businesses in this industrial estate.
- Following the P.A’s request for F.I the applicant did not adequately respond to their request to reduce the scale of the buildings.

It is noted that Section 8.0 of this Third Party Appeal Submission provides a discussion relative to these issues and to the impact of the proposed development in more detail. Regard is had in this Section to Demolition Impacts, Shortfall in Car Parking, Site Access, Piecemeal Development, and in Section 8.5 to Contravention

of Zoning Objectives to the Daylight, Sunlight and Overshadowing issues, to Visual Impact and Noise Pollution. Figures are included showing photographs of the site and contextual elevations.

6.4. Applicant Response

McGill Planning Consultants have submitted a First Party response to the Third Party Grounds of Appeal, which includes the following:

- They seek to address the Third Party grounds of appeal and to demonstrate that the proposed development is in accordance with the zoning objective for the site, residential amenity standards, and with the proper planning and sustainable development of the area.
- They seek to demonstrate that the proposed development will not negatively impact on the continued operations of these businesses, and if anything will provide a much safer access arrangement than currently exists.
- The appellant raised other matters most of which are not of direct relevance to their businesses and operations. These include contravention of zoning, building height, overshadowing of residential properties and visual impact.
- They note that the site is zoned for residential and not light industrial/business use. Planning permission was previously granted on this site for an apartment development of similar extent and scale as the current proposal.
- They note that residents from adjoining estates have not appealed the Council's decision to grant subject to conditions.
- They refer to the planning history and note that the Board granted permission for a 4 storey apartment development. They provide details relative to the similarities between that previously permitted by the Board Ref. PL06F.221250 refers, and the apartment scheme currently proposed.
- They note that the Inspector in the previous Report did not consider that the proposed development would have a negative impact on the remaining businesses. Or that the construction works to be carried out would be detrimental to existing businesses and recommended that a comprehensive Construction Management Plan be submitted.

- The Board then concurred with the assessment of the Inspector with respect of these matters in the granting of permission.
- They consider that the scheme currently proposed would have less of an impact on the operational requirements of remaining businesses than that previously permitted.

Impact on carparking and access rights

- They provide details relative to parking, and consider that the proposed layout, which includes increased access road width and surface parking only for the apartments, respects remaining businesses and will be an improvement of that previously permitted.
- Uncontrolled parking along the western side of the estate is being removed to facilitate the proposed development. It is noted that much of this parking relates to the existing repair garage which will be removed to facilitate the development. Also, to commuter parking.
- The appellants do not have a legal right to park in these spaces, but they note the legal right of way along Lilmar Estate Road for existing businesses which are to be retained.
- The access road is to be widened to 5.5m allowing for 2 way traffic within the estate as compared to 4m previously shown and this will offer safer access for the remaining businesses.
- The proposed Block A is set back further from the estate road and the appellant's premises compared to the existing building it will replace.

Demolition and Construction Waste

- They disagree that demolition and construction works will negatively impact on the appellants and refer to the Council's condition no.18 relative to this issue, and to control of working hours (no. 13) and that a comprehensive air and noise pollution measures to be agreed to (no.11).
- They provide that such conditions will be complied with. However, they have no objection to the Board including a detailed and bespoke methodology

condition for the demolition of buildings adjoining existing premises to be agreed with the planning authority.

- They note that the fire escape stairs located on the western elevation of Santry Printing will access onto a shared surface area and can be retained without any impact on the access and parking arrangements proposed.

Shortfall in Residential car parking

- They provide that just under 1 space per unit is to be provided. They include details on car club/share spaces and they consider that the onsite parking provision proposed is acceptable given the location of the site and the nature of the development.
- The site is within an 'intermediate urban location' (Section 28 Apartment Guidelines 2018) adjacent to existing public transport facilities as well as the potential for improved proposed public transport in the form of BusConnects.
- They note that the Board has included significant parking reductions in a number of recent SHD permissions in the Santry area and include details.
- They consider the appellant's claims with respect to a parking shortfall unreasonable, and contrary to current national policy and the changing parking context of the wider area.

Contravention of Zoning

- They contend that the proposal is not contrary to the 'RS' Residential zoning objective in that it provides for residential development and improves residential amenity in replacing the existing and extensive non-conforming industrial uses (which is not permitted under the RS zoning).

Residential amenity & visual impact

- The applicant did not ignore the F.I request of the PA to reduce the height of Block B to 4 storeys, rather they do not consider it necessary and they refer to the details in the documentation submitted.
- The scheme has been sited and designed to avoid overlooking and they refer to a number of elements within the scheme.

- A Daylight & Sunlight Report has been prepared by Digital Dimensions which demonstrates that the impact on adjoining properties will be minimal at worst and overall, acceptable.
- They refer to the recommendations of the Environmental Health, Air & Noise unit of the local authority which considers the results and mitigation measures proposed in the Noise Assessment to be satisfactory.
- The Council does not have a specific Building Heights Strategy for county or individual areas/sites (notwithstanding LAPs). However, the DP was varied on in June 2020 to align with national policy objectives in the National Planning Framework.
- They contend that buildings of 3 – 5 storeys are wholly suitable at this location given the Development Management criteria set out in the ‘Urban Development and Building Height Guidelines’. They consider that the site is in a landmark location given its close proximity to major transport routes.

Overdevelopment and undesirable precedent

- There are no other industrial estates in the vicinity so this proposal will not set an undesirable precedent. It represents a unique brownfield opportunity that is on appropriately residentially zoned land.
- The redevelopment of this site for higher density residential development accords with the National Planning Policy.

Piecemeal development

- The proposed development is not piecemeal or haphazard but represents a comprehensive redevelopment of the site, which is similar to that previously granted by the Board.
- Existing businesses that will continue to operate will benefit from the additional measures proposed including the widening of the access road, provision of a public footpath and lighting.
- They do not envisage that there are health and safety concerns or conflict between the different users.

- The overall estate will operate much like any mixed use development within the city where residential development is located alongside commercial and employment uses.

Conclusion

- This is a well-designed and appropriate residential development that will provide high levels of amenity for future residents and will not result in significant impacts on existing businesses or adjoining residents.
- The proposal accords with the zoning objective for the site and is consistent with the policies and objectives of the CDP and with national planning policy.

6.5. Planning Authority Response

This has regard to the First and Third Party Grounds of Appeal and includes the following:

First Party

- Conditions no. 2 and 3 were attached to ensure that the existing residential character and amenities are not unreasonably impacted.
- The accepted height was determined taking into account, previous planning history (Ref. PL06F.221250 refers), the constraints of the site, residential amenity, the prominent location and the visibility of the proposed buildings.
- While the site affords the opportunity to develop buildings taller than the prevailing heights, given the location accessed off a residential street (Oak Avenue) running parallel to the principal route they do not consider this site to be a landmark location.
- It remains the opinion of the PA that the maximum height for this site is four storeys to provide both an appropriate response to the adjoining two storey context and to allow for a transition of height in this corner position.
- The reduction in the number of units proposed will ameliorate overlooking, overbearing impacts of Block B on the existing residential properties and their associated rear amenity space and furthermore, will allow for an appropriate

allocation of car parking for both the residential units proposed and the existing industrial units remaining.

Third Party

- The operational characteristics of the existing industrial units in the Lilmar Industrial Estate, which are outside the ownership of the applicant, have been considered in full in the context of their assessment.
- They note that the situation has not changed significantly since the previous Board permission for the redevelopment of the site. Not all existing industrial businesses are subject to this application.
- The existing car parking area is not in the ownership of the appellants. Regard is also had to access for the deliveries to the existing light industrial unit buildings. The decision not to provide basement carparking also limits the capacity of the site.
- In order to respond to the limitations of the site, it was recommended to omit 6no. apartments from Block B to enable a distribution of spaces between apartments and existing businesses.
- They consider that the revised plans would provide satisfactory turning areas for the vehicles serving the existing light industrial units or for emergency/municipal vehicles.
- In respect to the concerns about the impact that the construction phase will have on the operation of the Markmaster Ireland and Santry Print Business - conditions as recommended by the Environmental Health Officer relative to Air Pollution and Noise Control have been attached to set appropriate controls on dust and noise generation.
- In the event of a grant they ask the Board to uphold the decision of the Planning Authority and to include Condition nos. 20 and 21 in their determination.

6.6. Further Responses

Hughes Planning Consultants have submitted a Third Party response to the First Party Grounds of Appeal which includes the following:

- They reiterate their concerns about the adverse impact of the proposed development as originally submitted, including the lack of integration with existing industrial and employment uses, the increased residential density, overdevelopment of the site and being in direct contravention of the subject site's overall zoning objective.
- They contend that the omission of Condition nos. 2 and 3 would result in even greater adverse impacts, arising from the piecemeal development by way of increased traffic hazard, loss of residential amenity, overshadowing, overbearing and visually obtrusive development.
- They consider the development as approved by the Council to be an overdevelopment and that a revision of the conditions attached as requested by the Third Party appeal would worsen the impact of the development and create undue implication to the surrounding area.
- They ask the Board to have regard to both this response and their Third Party Appeal and to refuse permission for the proposed development outright.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The appeal site and surrounding area is zoned 'RS, Residential', under the Fingal Development Plan 2017-2023. This zoning objective is to provide for residential development and protect and improve residential amenity. The vision for the zoning objective is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity. The Development Plan also includes specific Policies and Objectives to encourage consolidation of development in the Santry area, as well as more general Objectives to support sustainable infill development and the provision of increased densities where appropriate.

- 7.1.2. Variation 2 of the Fingal DP 2017-2023 which was adopted in June 2020 seeks alignment with the National Planning Framework Plan and the Regional Spatial and Economic Strategy. This notes that Santry is within the Metropolitan area and is a Settlement within Dublin City and Suburbs. The NPF requires that land use plans target 50% of all new homes within or contiguous to the built area of Dublin City and Suburbs and at least 30% in other settlements. The Fingal Settlement Hierarchy includes Santry in the Dublin City and Suburbs Consolidation area.
- 7.1.3. The redevelopment of the site complies with the residential zoning. National Policy Objective 35 of the National Planning Framework 2040 seeks to increase densities through a range of measures including '*increased building heights*'. Note is also had to Section 28 - *The Urban Development and Building Heights Guidelines 2018* relative to the provision of increased heights and densities in urban areas. Regard is had to site suitability issues and to current national and local policies and objectives which generally support the promotion of high densities in a qualitative design and layout that integrates with the proper planning and sustainable development of the area. Also, to the Section 28 - *Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018*.
- 7.1.4. Since the proposed development seeks to provide infill residential development on residentially zoned lands, it is acceptable in principle. This is subject to consideration of the potential impact on residential amenity of existing and future residents and on proximate local businesses within the estate including those adjoining but not included within the red line boundary. The current proposal is for the partial redevelopment of Lilmar Industrial Estate with a 3 – 5 storey apartment development. It is currently an underdeveloped site, where the existing/former uses include business/light industrial and such uses are currently not 'permitted in principle' in the residential zoning and where the concept of sustainable redevelopment is supported. However, the established uses that are to remain on the larger landholding (shown blue) also have to be accommodated so they are not disadvantaged by the proposed development. It is important that an integrated development be provided for, including having regard to amenities of existing residents and businesses, issues of access, parking, demolition/construction etc.

Regard is also had to the planning issues raised in the First and Third Party grounds of appeal in this Assessment below.

7.2. Planning History and Rationale

- 7.2.1. A Planning Report has been submitted with the application. This provides that the rationale for the development is that it proposes to redevelop a large portion of this disused industrial site for modern residential use. Also, that the development will significantly improve the visual appearance of the brownfield site and will provide for additional residential use on an accessible site, close to public transport and services.
- 7.2.2. It is provided that the proposed development is for an improved version of the previous permitted scheme on this site which as noted in the Planning History Section above Ref.PL06F.221250 refers, was never constructed. In that case it was noted that the site area was given as 0.96acres (0.39ha) for originally 53no. units and a density of approx. 55 units per acre/136 per hectare. The proposed development ranged from 3 to 5 storey over basement. The scheme was revised and 43no. units were permitted by the Board i.e at a density of approx. 110 units per hectare.
- 7.2.3. Part 5 of the Planning Report submitted with the current application includes a Table showing the differences between the previous and current schemes. Of note is that the development permitted by the Board in Ref. PL06F.221250 was 3-4 storeys in height reduced from 3-5 storeys originally applied for. This also included the redesign of the estate road and removal of uncontrolled parking along the western site of the estate. The revised estate road was narrowed to c.4m in width for the majority of its length with a priority access arrangement proposed. As with the current scheme the existing light industrial buildings where the current appellants operate from were also being retained adjacent to the new apartment development.
- 7.2.4. The First Party response to the Third Party grounds of appeal has regard to the similarities and differences between that previously permitted and the scheme currently proposed. Note is had to design and layout and to access and carparking for the existing and proposed units. They contend that the scheme currently proposed is an improvement on the original and will have less of an impact on the

remaining units, including the operational requirements of the Third Party businesses.

- 7.2.5. A notable difference between that previously permitted and that currently proposed was that the former provided for a significant number of underground car parking spaces, and a smaller number of surface spaces. The Inspector's Report then noted that a total of 43 apartments were proposed and 66no. car parking spaces at a ratio of 1.5 spaces per unit. This was considered acceptable having regard to the proximity of the Swords Road QBC and the proposed unit size. The current proposal as per the F.I submitted provides for 36no. surface car parking spaces for 35no. mixed units and no underground spaces. The First Party contends that the omission of the underground carpark will result in less of an impact for the remaining units from construction works.
- 7.2.6. It is also noted that Condition no. 2 of the Board's permission omitted the two houses proposed on the corner site, which is shown as an open space area in the current application. Permission was subsequently granted for an extension of duration, which has since expired. The current application is being considered *de novo* on its merits relative to the policies and objectives of the more recent 2017-2023 Fingal DP, and having regard to the current planning Guidelines, including the standards in the revised Apartment Guidelines.

7.3. Design and Layout

- 7.3.1. As per the application form the proposed site area is 0.41hectares. As shown on the Site Layout Plan, and the red line boundary, this is an irregularly shaped site. This proposal includes the demolition of the majority of the existing units on site, although some to the north of and adjoining the subject site are to be retained. While some of the units are occupied by a variety of businesses, much of it is currently disused and there are a number of derelict buildings. As per the application form it is proposed to demolish 2417sq.m of light industrial floor area and the proposed works are to provide 2661sq.m of residential development. As noted above the site is now zoned 'RS' Residential, the existing buildings generally appear in poor condition and I would have no objection to their demolition. This is provided it does not impact adversely on existing adjoining units (which are outside of the application site) or on

the two dwelling houses facing Lilmar Avenue access road, to be retained. Also, the principle of the demolition of these buildings has been accepted by the Board's previous grant of permission Ref. PL06F.221250 refers.

- 7.3.2. This proposal is for the construction of two separate apartment blocks referred to as Block A (3 storey) and Block B (5 storey). A Housing Quality Assessment has been submitted. This has regard to the Schedule of Accommodation and notes the unit mix and has regard to room size, private open space provision etc. As submitted Block A is to contain 7no. dwelling units i.e 3no.1 bed apartments, 4no.3 bed duplex units. Block B to contain 28no. units i.e 10no. 1 bed units apartments, 18no. 2 bed apartments i.e 35no units in total. It is provided that total no. of units larger than minimum standards is 22/35 or 62.9%. The total no. of dual aspect units is 22 (61%). It is noted that some revisions, which improve the layout of the apartments i.e reducing the no. 2 bed 3 person apartments, have been made in the F.I submitted, the Housing Quality Assessment refers.
- 7.3.3. Apartment Developments should be of high-quality design and layout having due regard to the character and amenities of the area. Accordance should be had to the relevant Guidelines. In terms of quantitative standards, I consider that the proposed development, as amended in the F.I submitted, generally complies with all relevant requirements for unit size, room size, storage provision, unit mix, dual-aspect, private amenity space, floor-to-ceiling heights, and core arrangement as set out in the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*, 2018.
- 7.3.4. An Architect's Design Statement which includes Views, Visualisations and 3D images of the proposed blocks have been submitted. Contextual Elevations have also been submitted. It is provided that the apartments have been designed around a courtyard setting with the opportunity for increased height in view of the locational context adjacent to the M50 interchange.
- 7.3.5. External finishes are to comprise of contemporary materials of brick, metal cladding and glass balustrades. It is provided that all external materials are to be high thermal performance with minimum maintenance. Revised roof plans indicate a green roof on Block A and the omission of the solar panels from Block B. Plans have also been submitted showing the scheme in long section.

7.3.6. Bin and bike storage areas are proposed in dedicated areas within the ground floor of the blocks. The Site Layout Plan shows the surface car parking layout. There is a single access to the site which currently serves to access the units and the 2no houses. It is proposed that this will also serve to access the apartment blocks.

7.4. Impact on the Character and Amenities of the Area

7.4.1. It is contended that the proposal does not comply with the zoning objective in that it is not designed to protect and improve the residential amenity both for the new residents in the apartment blocks and existing proximate local residents who reside for the most part in two storey dwellings. Also, that it will result in an inappropriate height and density and an overdevelopment of the site. That it will have a visually obtrusive impact, cause overlooking, overshadowing and loss of amenity and privacy for adjacent residential properties. The Third Party is concerned about access and safety relative to potential conflict between existing and proposed users, lack of parking/circulation area on site and traffic and parking congestion onto the local road network.

7.4.2. It is submitted that this proposal represents piecemeal development and that a more holistic approach is needed in the form of a full masterplan to encompass the uses on the site. This would be for the total area of the site, now all zoned residential and that the proposed development is premature pending this inclusive approach. In addition, that there is a need to address issues of design and layout, density, traffic, parking, linkages, impact on facilities and amenities and on local businesses within the estate. That regard needs to be had to linkages and access to local amenities and facilities.

7.4.3. The First Party response provides that the overall estate will operate like any mixed use development within the city where residential development is located alongside commercial and employment uses. They provide that the current proposal has due regard to the issues raised and will not impact adversely on residential amenities. Also, that existing businesses can continue to operate alongside the proposed development and will benefit from the additional measures proposed including widening of the estate access road, provision of a public footpath and lighting. Regard is had to the issues raised in the Assessment below.

7.5. First Party Appeal against Conditions

7.5.1. The First Party have appealed Condition nos. 2 (a) & (b) and Condition no.3 of the Council's permission. These are in summary as follows:

Condition no.2 – This provides for revised drawings to be submitted to include the following modifications:

- (a) The proposed 2nd floor of Block B shall be omitted.
- (b) Each apartment shall have a minimum of 1no. dedicated parking space which shall not be sold or sublet independently of the apartment.
- (c) The dedicated parking spaces allocated to the existing businesses clearly demarcated (as per DBFL Consulting Engineers response dated 14th of July 2020).

Condition no.3 – The number of residential units permitted by this grant of permission is 29 units.

7.5.2. Regard is had to the reasoning behind these conditions. Considering the sites suburban edge location the Council considered it appropriate that the maximum building height be four storeys to account for both the adjoining two storey context whilst taking into account the existing trees/green buffer to the M50 Motorway, access and the parking issues. As such the F.I request sought to omit one floor, the 2nd floor in Block B, whilst retaining the sloped roof design by condition. This would result in the reduction of the total no. of apartments in Block B by 6 units (2no. 1 bedroom units and 4no. 2 bedroom units i.e a reduction from 28 to 22 no. units. It is noted that the F.I response does not provide for the omission of this floor, and results in no changes proposed in the overall no. of units.

7.5.3. In response to the F.I the Applicants noted the Council's request but did not consider that the omission of the 5th floor would be justified in this case. The First Party consider that the omission of the 2nd floor of Block B is unnecessary given the bespoke design of the block. They contend that it achieves a successful balance between respecting the residential amenities and character of the area whilst at the same time providing for increased residential density and building height within a quality design on a brownfield site close to public transport and services. They provide that overlooking or significant overshadowing would not occur. As such they

consider that it is in accordance with national and local policies for increased residential densities and heights in appropriate locations.

- 7.5.4. It is noted that the Council concluded that the revisions made to the proposed development in the F.I submitted to be generally acceptable. However, concerns remained regarding the height, massing and resulting overshadowing of Block B on adjoining properties and on the proposed central open space and insufficient parking provision. In order, to ameliorate these inter-related issues, they recommended a revision of the no. of apartments to be provided in Block B by omitting the 2nd floor and retaining the sloped roof design by condition.
- 7.5.5. The Third Party is concerned that the omission of the Council's conditions that are the subject of the First Party Appeal, would result in even greater adverse impacts arising from piecemeal development by way of increased traffic hazard, loss of residential amenity, overshadowing and visually obtrusive development.
- 7.5.6. The Council's response to the Appeal provides that given the site constraints and context, the proposal is considered to exceed a sustainable density in terms of what can be accommodated on site when taking into account the incremental nature of the proposed redevelopment of this brownfield site; the existing industrial units remaining; and the proximity of adjoining residential properties. As a result, they do not consider that the site has the capacity to accommodate 35no. units including a five storey structure.
- 7.5.7. It is also of consideration that four storeys in a stepped down design has previously been accepted as the appropriate height for the subject site Reg.Ref. F06A/1481 (PL06F.221250) in which the fifth storey originally proposed was omitted by the applicant. The number of parking spaces has been reduced in the current proposal, which omits the underground parking and allows only for surface parking.

7.6. Density and Building Heights

- 7.6.1. As per the guidelines on Sustainable Residential Development in Urban Areas, regard is had to appropriate locations for increased densities. This includes residentially zoned lands and infill sites where particular care is needed to ensure that residential amenity is protected. The Section 28 – *Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018* indicate that areas of cities

and towns suitable for apartment development are those within 500m walking distance of a high frequency bus service, ie min 10 minute peak hour frequency.

- 7.6.2. As per these Guidelines the proposed development would be considered to be in an *Intermediate Urban Location*. This includes higher density apartments, medium – high density residential development (broadly >45 dwellings per hectare net). The proposed scheme for 35no. units has a density of 85uph, which is a higher density development for this location.
- 7.6.3. Issues raised include that the 3 to 5 storey height of the apartment blocks will appear more visually obtrusive and will not be in keeping with the low rise character of the existing residential area. The buildings to be demolished are c. 2.5 storeys or single storey in height. That the proposal by reason of its excessive height, scale, form and massing in proximity to the site boundaries, would give rise to overlooking and overshadowing to adjoining properties, would result in visual obtrusion and dominance of the built form and would detract from the character and amenities of the area. That it would be overbearing and impact adversely on existing residential amenities and would depreciate the value of property in the vicinity and be contrary to the proper planning and development of the area.
- 7.6.4. Regard is had to the Section 28 - *Urban Development and Building Heights Guidelines 2018*. Section 3.2 is concerned that the proposed development is at a scale of the relevant city/town, and this includes reference to larger urban redevelopment sites and making a positive contribution to placemaking. It refers to the need for a landscape and visual assessment. Section 3.4 of these Guidelines provides that urban developments, outside city and town centres and inner suburbs, i.e the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities in the range of 35-50 dwellings per hectare net). Section 3.6 refers to development which integrates well into existing neighbourhoods and provides that 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Regard is also had to linkages and to compliance with DMURS.
- 7.6.5. As noted in the documentation submitted the building heights vary between the 3 storey Apartment Block A (with as shown on the elevations height variation between

10.5m to 12.5m) which is considered acceptable and the taller 5 storey Apartment Block B (with height variation between c.16.5m – 19.5m). This is a considerable height variation and as noted on the Visualisations and Contextual drawings, there is no transition in height between the two blocks. The form and massing of Block B will look very substantial taking the locational context of the proximate low rise residential development into account. It is also noted that the Landscape and Visual Assessment submitted includes the screening provided by the trees in leaf, so that in the winter period the development will appear more visible.

7.6.6. The First Party contend that a building of 3-5 storeys in height is wholly suitable for this landmark locational context close to transport links and within 5km of the city centre. Also having regard to the Development Management Criteria set out in the '*Urban Development and Building Heights Guidelines 2018*'. However, I would not consider that this infill development, having regard to the locational context proximate to an established low rise residential area, with access off an existing residential street and the overall constraints of the site and the overall design concept would constitute a landmark location.

7.6.7. It is noted that the Inspector's Report relative to the previous Board permission on this site (Ref. PL06F.221250 refers) considered the scheme which included the omission of the 5th storey section and the 4 storey height to be acceptable. In view of the constraints of the site, I would concur with this and would consider that the proposed 5 storey Block B would be out of character with the established residential and also would impact on the visual amenities of the area.

7.7. Overlooking and Overshadowing

7.7.1. The First Party provides that the scheme has been designed to avoid overlooking and that this includes: only opaque windows (serving bathrooms and storage) on the southern elevation of Block B so that no overlooking of the pair of houses on Oak Avenue occurs. The distance between the western elevation of Block B and the rear of the two dwellings on Lilmar Avenue is over 26m which exceeds the 22m standard and they provide will obviate direct overlooking between living room windows. It is noted that the balconies on the west elevation of Block B will be 22m distance from the rear elevations of these houses. The distance from the north elevation windows

to the rear elevation of properties at Oak Lawn is over 60m away. Taking these issues into account it is provided that significant overlooking will not occur. However, if the Board decides to permit, I recommend that it be conditioned that the balconies be obscure glazed.

- 7.7.2. A Daylight & Sunlight Assessment has been prepared by Digital Dimensions to demonstrate the impact on neighbouring buildings and the quality of daylight and sunlight to and within the proposed development. It is provided that the design within the development was optimised for good quality daylight, where possible rooms are dual aspect. In view of its proposed 5 storey height the main impact will be from Block B. It is submitted that the reduction in available sunlight is minimal to the amenity spaces in the surrounding properties. All the gardens and amenity spaces retain the available sunlight in excess of 0.8 times their former value. They provide that there would be a good quality of daylight in the apartments analysed and that the amenity areas would have sufficient sunlight. Also, that the proposed development meets the recommendations of the BRE guidelines.
- 7.7.3. Section 6.3 (Figures 16 – 28) in Appendix A of the First Party Appeal submission show the existing and proposed shadow diagrams for the Equinoxes and the Solstices are also shown relative to the longest and shortest days. The Study has regard to the differences between existing and proposed noting the overshadowing when the 5 storey block is factored in. As shown in the Shadow Analysis, there will be some impact on the rear of the two houses within the estate, accessed via Lilmar Avenue and on the rear of the terraced dwellings further to the west in Knightswood. However, it is shown that in general the impact on residential amenity will mainly be on the centrally located communal open space for the apartments and on the green area to the east, rather than proximate residential. Some overshadowing will also occur relative to impact on local businesses and on the green space on Oak Avenue to the east of and outside the site. As shown there will be a more significant impact on proximate residential in Oak Lawn to the north in December.
- 7.7.4. It is concluded that especially in the winter months there is an element of overshadowing on some surrounding dwellings, in the early morning/late evening when the sun is at its lowest point. It is provided that this type of condition is expected in more urban dwellings. No one dwelling is consistently in the shadow

throughout the day. The Assessment concludes that the proposal has no significant impact on the adjoining existing residential properties at any stage of the year.

7.7.5. However, having regard to the Shadow Analysis I would be concerned that there will be a significant impact on the centrally located communal open space and also at times as noted in the Analysis on the two houses in Lilmar Avenue and on the houses in Oak Lawn to the north and Knightswood to the west. I would consider that this would be lessened if Block B were to be reduced to 4 storeys.

7.8. Open Space

7.8.1. Section 12.7 of the Fingal CDP requires that all residential units be they traditional type housing or apartments are to be provided with private open space. Also that qualitative and quantitative standards are set out so as to ensure that the maximum benefit is derived from the open space. Private open space for apartment and duplex units, is generally in the form of private balconies, roof terraces or winter gardens.

7.8.2. The proposed design provides two main open spaces for the scheme. The main open space is proposed within the central courtyard of the scheme and has an area of approx.561sq.m. A secondary open space of 241sq.m is provided at the southern corner of the site near to the entrance of Lilmar Avenue. Together the scheme will provide for 802sq.m of open space. It is provided that the landscaping of the area will improve the quality and create a visually attractive entrance to the scheme. Also, that open spaces within the scheme have been designed to ensure that they are overlooked and minimise potential for anti-social behaviour.

7.8.3. The Council's Parks and Green Infrastructure Division considers that this is limited and would constitute communal open space, no public open space has been provided in accordance with DP standards and that a financial contribution in lieu should be applied to be used towards the upgrading of the recreational facilities in Santry Demesne. They also had concerns about surveillance of the play area originally proposed to the north east of Block B and lack of tree planting proposed and boundary treatment within the scheme.

7.8.4. It is noted that the play area has been relocated to the central area of open space in the revised scheme, and the area allocated for 3no. additional parking spaces. The Parks Division considered the proposed courtyard with play facilities acceptable as

communal open space for the scheme. They recommended that a revised landscaping plan be submitted to include details of tree planting, locations of street lighting, details of playground items and surfacing and boundary treatment. In particular along the eastern boundary in the vicinity of the existing trees to be retained. It is also noted that the two access routes across the public open space on Oak Avenue have been omitted which is considered to be acceptable. In the event of a permission, it is recommended that these issues be conditioned and that a management and maintenance plan with particular reference to the playground and courtyard areas be submitted.

7.9. Access and Car Parking

- 7.9.1. There are concerns that the area already suffers from a lack of infrastructure. That due consideration has not been given to traffic flow which is already an issue for the local community and the greater Santry area. That the proposal serves to exacerbate the already congested traffic conditions, including from existing residential and high density developments either permitted or recently constructed in the area. Also, that the junction of Oak Lane with Coolock Lane (R104) is a bottle neck with long waits particularly at rush hour and that this proposal exiting to a heavily trafficked area and close to junction 2 Santry on the M50 will exacerbate this.
- 7.9.2. The subject site falls under Zone 1 as it is within 800m of a Quality Bus Corridor. The development is located within an intermediate urban location which provides for good public transport facilities. It is an objective for developments to reduce the need for car parking and promote the use of public transport. Both blocks contain dedicated bike stores, 70no. bicycle parking spaces are proposed, which is considered acceptable. While the area is close to Quality bus corridors, there are concerns about capacity. Also, when events are on in Morton Stadium the general area is congested with car parking. While 70 no. bicycle spaces are proposed, cycle lanes are not provided and there are concerns that the combined access route is narrow for cyclists, pedestrians and drivers.
- 7.9.3. A Traffic and Transport Assessment by DBFL Consulting Engineers has been submitted with this application. This has regard to policy and guidelines relative to sustainable transport and to the existing transport infrastructure. It is noted that the

site is accessed by Oak Avenue to the south of the site, which is accessed via Coolock Lane. The former is a local cul-de-sac road approximately 7m in width, within the 50kph speed limit and serves residential traffic from the site and the surrounding residential estates. Junction 2 of the M50 Motorway is located approx. 100m south of the development site. Traffic surveys have been undertaken and regard is had to Trip Generation and Distribution. Traffic modelling was carried out including regard to TRICS. The junctions at Lilmar Avenue (site access)/Oak Avenue; Oak Avenue/Coolock Lane; Coolock Lane/Oak Park Avenue were assessed.

- 7.9.4. There are footpaths and lighting along Oak Avenue. Details are given of public transport links, including Bus Connects and car sharing schemes in the area. Regard is also had to future cycle network proposals in the wider area. Appendix A of the TTA provides a Transport Linkages Plan that illustrates the proposed walking, cycling and public transport routes within the area surrounding the development. The TTA concludes that the 35 unit residential proposal will not materially impact the operational performance of the local road network whilst existing road safety levels should not be adversely impacted. It is noted however that the TTA does not assess the integration of the proposed development with existing industrial uses that are to remain adjacent to the site.
- 7.9.5. The Third Parties who operate local businesses in proximity to the site have concerns about the impact of the proposed development on parking and access to their premises, and of demolition and construction works and that traffic generated by such works will have a detrimental impact on their businesses. They contend that the development as approved by the Council unsuccessfully integrates an increased density residential development with existing industrial and employment uses. That the proposal would constitute overdevelopment of the site. In addition, that there is no on street parking availability for the existing houses in Lilmar Avenue. Also, that the significant shortfall in residential parking proposed will lead to overspill carparking into the adjoining residential areas and will lead to congestion for local businesses.
- 7.9.6. The First Party response provides that the removal of uncontrolled parking along the western boundary of the site is necessary to benefit the proposed development and estate overall. They note that this measure was previously approved by the Board.

They provide that the Appellants do not have a legal right of way to park on these spaces. However, there is an existent right of way along Lilmar Estate road which is used by existing businesses and as shown on the proposed layout this will be retained. The Site Layout Plan shows the inclusion of approx. 5no. spaces for the units outside but adjoining the northern site boundary.

- 7.9.7. In addition, that the revised internal access road is now to be 5.5m wide for its entire length which will allow two way traffic and less conflict between traffic. The previous permission the access route was only 4m for the majority of its length. They contend that the current proposal offers an improvement relevant to access and parking for the proposed development and the remaining businesses than that previously approved.
- 7.9.8. The original site layout plan for the current application showed 33no. spaces, this is increased to 36no. spaces in the revised Site Layout Plan as shown in the F.I submitted. Of these 2 spaces have been allocated as disabled parking and 2 spaces for either electric wheelchair vehicles/Go car (car share) spaces. The Council's Transportation Section noted that the number of spaces proposed is insufficient, having regard to the 35no. apartments and unit mix and the CDP standards is a minimum of 46no. spaces. They also noted that no information had been submitted on the parking demand for the existing buildings within/outside the ownership of the applicant and that this parking should be considered in conjunction with the proposed development.
- 7.9.9. It is noted that the current proposal has almost half the level of residential car parking compared with the previous permission (i.e the underground parking is not being provided) which the First Party contend will mean less traffic generation within the estate and will further reduce the likelihood of potential conflict with service vehicles. It is also provided that the setting back of the building line of Block A will ensure that delivery drivers have much improved visibility along the estate road whilst visitors on foot can use the public footpath. Regard is also had to the revised parking layout submitted in response to the F.I request. However, I would consider that there is an issue in that the lack of basement parking results in a more significant area of surface parking which could result in traffic conflict/congestion between the proposed development and the remaining businesses. It also results in less open space provision for the apartments.

7.9.10. Having regard to pedestrian access and to safety issues, it is provided that, residents will leave the apartment development from the central courtyard which will connect directly to the new open space area at the entrance to the estate. A gate is proposed at the northern pedestrian entrance to the courtyard to control access and egress. Originally two separate pedestrian and cycle accesses were proposed on the site's eastern boundary, these were omitted as part of the F.I submitted. They would have bisected the open space to the east and traversed the proposed central area of communal open space within the scheme, so I would consider their omission to be acceptable.

7.10. **Boundary issues**

7.10.1. Local residents in Oak Lawn are concerned that the boundary wall along the proposed northern site boundary labelled 'Boundary Treatment C' on the Site Location Map submitted with the application is not fully within the applicant's ownership and about the implications of demolition of the existing buildings on their properties. They seek clarification on the height and materials to be used in the proposed boundary wall and whether it is to tie in with the existing boundary wall. However, it is noted that while this was included in the submissions made it was not raised as an issue in the Third Party Appeal.

It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*"

The Landscaping proposals submitted as part of the F.I indicate that the boundary along the northern edge of the site abutting the rear gardens of Oak Lawn is proposed to be 2.2m high rendered blockwork wall. There is concern that there will be a lack of surveillance of the parking area in the north east of the site. Also, that

light from the proposed surface car parking area to the north of the site would create a permanent night time glare and would be visually obtrusive to neighbouring residential properties in Oak Lawn to the north and in Knightsbrook to the west. The First Party response provides that this area will be well supervised and overlooked by existing properties in Oak Lawn and by the proposed development. It is important that boundary treatment along the northern boundary with the residential properties in Oak Lawn be appropriate and that lighting of the carpark area be directed away from the rear of these properties. If the Board decide to permit, I would, recommend that conditions regarding boundary treatment and lighting be included.

7.11. Construction issues

- 7.11.1. There is concern that the demolition and construction phase, will impact adversely on residential amenities and proximate local businesses within the estate. This includes regards to hours of operation, noise and dust and construction related traffic. Also, that the demolition works proposed would cause structural damage and a safety risk to adjoining properties, including local businesses such as Markmaster.
- 7.11.2. The First Party response provides that the Council's Conditions relative to Demolition and Construction Management (no.18), comprehensive air and noise pollution measures (no.11) and control of working hours (no.13) will be complied with. They note that similar type measures apply to other schemes. While they consider these are comprehensive they have no objection to the Board adding an additional condition that explicitly requires a detailed and bespoke methodology for the demolition of the buildings adjoining the existing premises to be agreed with the planning authority prior to the commencement of development.

7.12. Other issues

- 7.12.1. As part of the F.I response an Assessment of Inward Noise Impact has been submitted. This notes the locational context and proximity particularly of Block B to the M50 and includes noise monitoring and surveys of baseline conditions. Section 5 refers to Mitigation Measures having regard to construction methods. Recommendations include regard to glazing type and acoustic ventilation strategy for the Blocks.

7.12.2. A Lifecycle Report has also been submitted to comply with Section 6.13 of the Apartment Guidelines 2018. This includes that a property management company will be set up to ensure the maintenance and management of the common areas of the development. Regard is also had to Energy and Carbon Emissions and to higher BER ratings and energy efficiency. It is provided that robust materials will be used in accordance with standards. It is provided that a Waste Management Plan will be put in place.

7.12.3. It is considered that if the Board decides to permit that these issues can be conditioned.

7.13. Drainage and Flood Risk

7.13.1. An Infrastructure Design Report has been submitted with the application. This has regard to existing and proposed drainage. It is proposed to connect to existing services. They have regard to surface water drainage and to attenuation and the incorporation of SUDs. They provide that the surface water network, attenuation storage and site levels are designed to accommodate a 100 year return period storm event and includes climate change provision of 10%. Floor levels are to be set a minimum of 0.5m above the 1 in 100 year surface water storage level in accordance with the recommendations of the GDSDS. Details are also provided relative to connections to foul drainage and water supply. A number of Appendices are included.

7.13.2. It is noted that the Council's Water Services Planning Section do not object subject to recommended conditions relative to surface water drainage. Irish Water also do not object subject to conditions relative to connections.

7.13.3. A Site Specific Flood Risk Assessment has been submitted. The site is within Flood Zone C where residential development is considered appropriate. The Report concludes that it is clear from the flooding analysis that the proposed site is not at risk from tidal or groundwater flooding due to its geographic location and topology. It indicates that there is a moderate risk of pluvial flooding on site from the potential surcharging and blockage of the new drainage network and recommends a number of mitigation measures relative to the drainage network design. It considers that once such measures are implemented and maintained that they are sufficient to provide a

suitable level of protection to the proposed development. It is concluded that the development meets the requirements of the FRA Guidelines and that the proposed development is appropriate to this flood zoning and a justification test is not required.

7.14. Screening for Appropriate Assessment

7.14.1. The Planner's Report notes that the appeal site is not designated for any nature conservation purposes and lists a number of Natura 2000 sites all of which are in excess of 5kms from the site. These are as follows:

- Baldoyle Bay SAC (site code: 000199) approx. 7km east of the site;
- Baldoyle Bay SPA (004016) approx. 7km east of the site;
- Malahide Estuary SAC (000205) approx. 8km northeast of the site;
- Malahide Estuary SPA (004025) approx. 8km northeast of the site;
- North Bull Island SPA (004006) approx. 6km southeast of the site;
- North Dublin Bay SAC (000206) approx. 6km southeast of the site.

7.14.2. The appeal site is a fully serviced and zoned suburban site, which is surrounded by existing residential and commercial development and which is not within or in close proximity to any Natura 2000 sites. The nearest such sites are at a considerable distance, and there are no watercourses within or proximate to the site. Subject to standard good practice construction methods and having regard to nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

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

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of July 2020 and by the further plans and particulars received by An Bord Pleanála on the 5th day of October 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed 2nd floor of Block B shall be omitted.
 - (b) The number of residential units permitted by this grant of permission is 29 units.
 - (c) Details including the height of the privacy screens proposed to the balconies of the apartments shall be agreed with the planning authority and these shall be permanently fitted with obscure glazing prior to the first occupation of the units and, thereafter, shall be maintained.

- (d) Each apartment shall have a minimum of 1no. dedicated parking space which shall not be sold or sublet independently of the apartment.
- (e) The dedicated parking spaces allocated to the existing businesses clearly demarcated (as per DBFL Consulting Engineers response dated 14th of July 2020).

Reason: In the interests of clarity and residential amenity.

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

Reason: In the interest of visual amenity.

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

This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

- (c) details of the play area, including equipment and safety and security features;

- (d) appropriate screening details to the northern boundary of the site with the residential properties in Oak Lawn to be agreed;

- (e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

8. (a) The roads and traffic arrangements serving the site (including road signage and traffic calming), shall be in accordance with the detailed requirements of the planning authority for such works, and shall be carried out at the developer's expense.

(b) The internal road network serving the proposed development including access, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.

(c) Proposed pedestrian access shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of pedestrian and traffic safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interests of amenity and public safety.

11. No additional development shall take place above roof parapet levels of the blocks, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. Proposals for a name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

13. 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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

Reason: In the interests of public safety and residential amenity

15. Details shall be submitted for the written agreement of the planning authority prior to the commencement of development to demonstrate that demolition works will not impact structurally on adjoining buildings to be retained.

Reason: In the interests of public safety and residential amenity.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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

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

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

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

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

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

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

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

Reason: To ensure the satisfactory completion of the development.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

22. The developer shall pay to the planning authority a financial contribution of €76,301 (seventy six thousand, three hundred and one euro) in lieu of the shortfall of 1,300 square metres of public open space that arises based on the provisions of Objectives DMS57 and Objective DMS57B of the current development plan for the area and in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Angela Brereton
Planning Inspector

9th of December 2020