



An  
Bord  
Pleanála

## Inspector's Report ABP-312190-21

### Development

The demolition of a vacant dwelling and outbuildings (207 sqm); and the construction of 99 apartments (46 No. one bedroom and 53 No. two bedroom apartments) in a 5 No. storey block (7,548 sqm). The proposed development also proposes a vehicular access and pedestrian / cycle accesses off Porterstown Road; the provision of 67 No. car parking spaces; bicycle parking spaces; bin storage; balconies and terraces; external galley access to the apartments; hard and soft landscaping; boundary treatments; ESB substation; PV panels at roof level; plant; and all associated site works above and below ground.

### Location

Site at Porterstown Road,  
Porterstown, Dublin 15, D15 Y95T.

### Planning Authority

Fingal County Council

### Planning Authority Reg. Ref.

FW21A/0171

<b>Applicant(s)</b>	Bartra Property (Porterstown) Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Bartra Property (Porterstown) Limited
<b>Observer(s)</b>	Richard Proudfoot Wolfgang Stengel Lorraine & Simon Judge Siobhan Keaney Bernadene Byrne Bláthnaid ní Ghréacháin William Dowling Catherine Gray Desmond Brown Frances & David McClelland The Village Residents Association Emer & Mark Hilliard Mary & Bernard O'Halloran Ross & Aoife Croft and Others Alistair White & Louise Cunningham An Taisce Clare & Dominik Bohr Castlefield Park Residents Association Brenda Finn St. Mochta's National School Parents Association Carmel Fahy

Cllr. Tania Doyle  
Ciara & Daire Cronin  
Philip Wall & Ann Chmielarczyk  
Paul Donnelly T.D.  
Cllr. John Walsh  
Thomas Burnett  
Oliver & Ursula Hughes  
Mark & Marguerite Fox  
Dermot Downey  
Marion O’Haire  
Anna Keane  
Margaret & Donal Finn

**Date of Site Inspection**

27<sup>th</sup> April, 2022

**Inspector**

Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located in the Porterstown area of Clonsilla Village, approximately 1.6km southwest of the Blanchardstown Centre and 400m southwest of the Coolmine Industrial Estate, where it occupies a position between Porterstown Road to the west and Diswellstown Road to the east. Further south (and beyond an intervening tree line / wooded area) is the Royal Canal and the Dublin - Maynooth railway line while Clonsilla Station is c. 1.3km to the west with Coolmine Station c. 1.0km to the east. Although the broader land use in the surrounding area is predominantly residential, the village core is within 500m of the site and includes a number of business premises (e.g. retail shopping, a public house, restaurants / takeaways, and healthcare facilities) which provide local services and amenities. In addition, there are a number of schools and community uses in the locality with St. Mochta's National School to the immediate north / northwest while St. Mochta's FC and the Luttrellstown Education Campus (encompassing Scoil Choilm Community National School & Luttrellstown Community College) are located further south along Porterstown Road.
- 1.2. The immediate site surrounds are largely residential with examples of conventional two-storey suburban housing ('The Village'), a three-storey apartment scheme ('The Oaks'), and a number of individual dwelling houses along Porterstown Road. To the immediate northeast, the site adjoins 'The Courtyard' two / three-storey housing development while the lands to the south are occupied by a single-storey cottage ('Glen Garbh') and its wider curtilage. Opposite the site entrance onto Porterstown Road is a detached two-storey dwelling house. Further east beyond Diswellstown Road and alongside the Royal Canal, a series of apartment blocks of up to eight storeys in height is presently under construction as part of the 'Windmill' development.
- 1.3. The site itself has a stated site area of 0.9 hectares, is irregular in shape, and comprises an expanse of greenfield land in addition to an unoccupied vernacular cottage (with its associated garden area) in the south-western corner. It is only accessible via Porterstown Road and is presently accessed via an existing entrance arrangement shared with the adjacent property. While the Porterstown Road provides local access to nearby housing and amenities, its carriageway width varies

considerably and narrows at the existing site entrance with a significant 'pinch-point' at Kennan Bridge and the level crossing beyond. Footpath provision along the roadway is also inconsistent and non-continuous on both its western and eastern sides with no dedicated pedestrian route over the bridge (noting that the existing towpath crosses from the northern side of the canal to the south at Kennan Bridge). The site is generally level with a slight dip towards its centre, however, there is a significant change in level between it and Diswellstown Road which becomes more pronounced as that roadway bridges the canal and the railway line to the south. It is bounded by a combination of mature trees and hedgerow to the north and west with leylandii planting along the eastern site boundary while the southern perimeter is broadly defined by post & wire fencing and ornamental hedging.

## 2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the following:

- The demolition of the existing vacant dwelling house and outbuildings.
- The construction of a five-storey apartment block (floor area: 7,548m<sup>2</sup>) providing a total of 99 No. apartments (46 No. one-bedroom and 53 No. two-bedroom units).
- The provision of a new vehicular access and further pedestrian / cycle accesses off Porterstown Road.
- Associated site development works, including the provision of 67 No. car parking spaces, bicycle parking, bin storage, landscaping, boundary treatment, an ESB substation, roof-mounted PV panels, and connection to mains services.

2.2. The grounds of appeal have been accompanied by amended proposals which include for the following:

- A reduction in overall car parking provision (from 67 No. to 43 No. spaces) and the realignment / repositioning of the parking spaces relative to the existing planting along the northern site boundary.

- The relocation / repositioning of the ESB substation and cycle parking at the site entrance to avoid any impediment to the future construction of a mini roundabout at this location by Irish Rail as part of the DART+ West upgrading works with the associated closure of the vehicular crossing over Kennan Bridge (and the creation of a cul-de-sac).
- The provision of a pedestrian and cycle ramp within the confines of the development site with the intention of allowing for future connection to Diswellstown Road in the event that access should become available over intervening third party lands.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. On 16<sup>th</sup> November, 2021 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- The proposed development by virtue of the proximity to site boundaries, lack of pedestrian and cycle connectivity through the site to public transport facilities and potential interaction with the Dart+ West and Royal Canal Greenway projects, would fail to provide a satisfactory development strategy for the site, would be prejudicial to the potential future development of adjoining land, would be contrary to Objective Clonsilla 6 of the Fingal County Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.
- The proposed development by reason of scale, layout, massing and design, deficiencies in green infrastructure including insufficient open space and inadequate hedgerow and tree protection, would result in adverse impacts on biodiversity, the visual amenities of the area, overlooking of existing and the future residential units and would fail to provide a satisfactory standard of residential amenity for future residents. The proposed development would adversely affect the amenities and depreciate the value of adjoining property, contravene Objective NH27 and the RS zoning objective for the site in the Fingal County Development Plan which is to 'Provide for residential

development and protect and improve residential amenity', would be contrary to the Sustainable Residential Development in Urban Areas Guidelines which were issued under Section 28 of the Planning and Development Act 2000, as amended, and would therefore be contrary to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

States that the proposed development is acceptable in principle given the 'RS – Residential' land use zoning, subject to compliance with the relevant policies and objectives of the Fingal County Development Plan, 2017-2023 and Ministerial guidance.

With respect to the overall design and scale of the proposal, concerns are raised as regards the proposed density of 110 No. units / ha, which is considered to be at the upper level of the density permissible (noting that the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' promote higher densities proximate to public transport corridors), with a very high standard of design and amenity deemed to be required to justify the proposal (with active travel modes such as walking and cycling needing to be demonstrated). It is also considered that the design, scale and height of the development fails to have due regard to the surrounding context and that the construction would be visually dominant & overbearing when viewed from a number of vantage points. Moreover, it is suggested that the proposal should step down to preserve the residential and visual amenities of neighbouring housing. Further concerns relating to the site layout include the failure to provide for the indicative cycle link shown in the Development Plan between Porterstown Road and Diswellstown Road (the importance of which has been referenced by the National Transport Authority); the compatibility of the proposal as regards delivery of the DART+ West Project (in reference to the proposed closure of the Porterstown level crossing to vehicular traffic); the need to preserve the mature planting along the northern site boundary; the dominance of surface level car parking; the inadequacy of the open space provision; and the need to avoid compromising the co-ordinated development of the adjacent lands to the

south (identified as an 'Opportunity Site' in the Clonsilla Urban Centre Strategy, 2008).

The report proceeds to state that the proposed development will have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, and an excessively overbearing appearance. In addition, it is noted that the proposal would not provide for an adequate level of residential amenity for future occupants by reference to the sunlight / daylight analysis submitted with the planning application.

In terms of traffic & transport, it is emphasised that due to the limited car parking proposed and the consequent reliance on sustainable modes of transport, the provision of efficient and direct walking & cycling routes to Clonsilla and Coolmine stations and key bus routes would be of critical importance. In this regard, reference is made to the failure to provide the necessary pedestrian and cycle connectivity through the site and the potential for the development to prejudice the delivery of the DART+ West Project and the proposed Royal Canal Greenway.

The report thus recommends a refusal of permission for the reasons stated.

### 3.2.2. **Other Technical Reports**

*Water Services:* No objection, subject to conditions.

*Environmental Health, Air & Noise Unit:* No objection, subject to conditions.

*Transportation Planning:* States the following:

- The car parking standards set out in the Development Plan are the norm for residential development and it is considered that the minimum practical parking requirement should be 1 No. space for a unit with 2 bedrooms or less.
- The use of a reduced parking standard (i.e. 0.67 No. spaces per unit) in accordance with the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' is welcomed (it is also accepted that apartments associated with 'Build to Rent' usually have a lower parking standard). However, the proposed parking provision is significantly below that required by the Development Plan as well as the practical minimum for the development.



- Although the development is not intended to be taken in charge (with the parking to be managed by a private company), the lack of visitor parking is of concern.
- All residential bicycle parking should be provided within the building footprint, and it appears that each unit will not be provided with a separate secure compartment. Stacking of bicycle parking can be provided if it is practically accessible. Individual lockers for each unit should also be provided. In general, parking areas should consider cargo bike space, scooters & charging facilities, and security. Further consideration should be given to the cycle parking design and layout.
- The car parking dominates the streetscape and it is unclear how the spaces will be allocated to each apartment, although it is acknowledged that the development will be privately managed.
- Any potential access to adjacent lands should be identified in the site layout.
- The road layout is generally acceptable in terms of width and function.
- Clarification should be provided to ensure that the proposed tree pits do not compromise the 6m depth of shared space alongside the parking.
- There should be no delineation between the vehicular and pedestrian spaces as this would be contrary to the principle of a shared space e.g. the delineation of space can lead to potential conflict as drivers are given the impression that pedestrian activity should be restricted to the pedestrian spaces with motorists having priority in the vehicular areas.
- The parking layout does not lend itself to the provision of on-street visitor parking and, therefore, consideration should be given to the accommodation of such parking.
- The parking provision adjacent to the open space is not ideal.
- With respect to cycle connectivity, a revised design should provide for the indicative cycle connection to Diswellstown Road as shown in the Development Plan (the applicant should engage with the third-party landowner and the Council with a view to providing the connection by agreement). Given the low parking provision proposed, a direct connection to

the nearest bus stop and the shortening of the travel distance to the train station would be required by the Development Plan.

- Notwithstanding the provision of a 2m footpath on Porterstown Road, no details have been provided as regards the upgrading of Porterstown Road over the length of the existing boundary. A partial upgrading of the roadway is required to provide a suitable road width of 5.5m-6.0m, a footpath, and to address the need for cycle facilities.
- It is proposed to close the Porterstown Road level crossing to through traffic as part of the DART+ West Project and proposals for the provision of a pedestrian & cycle bridge over the canal and railway line have been subject to public consultation. The DART+ West Project would appear to require some of the development site (that area in the vicinity of the proposed ESB substation) to accommodate alterations to Porterstown Road. These issues need to be addressed and the applicant should engage with the Council and the DART+ West Project Team to ensure that the proposed development does not prejudice the DART+ West proposals.
- The provision of Electric Vehicle charging points for each residential parking space is a requirement for all new developments. This can be achieved by ensuring that 10% of the spaces are ready for use from the completion of the development with all the necessary services in place to facilitate the retrofitting of the remainder of the spaces as demand dictates.
- A swept-path analysis should be provided for emergency services and refuse collection vehicles (noting the parking spaces adjacent to the tree pits).
- Road Safety Audits should be carried out at the relevant stages of the development as per the current edition of the TII Guidelines GE-STY-1027.
- The Travel Plan / Mobility Plan should be provided to all residents and updated annually.
- A detailed Construction Management Plan (including a Construction Traffic Management Plan) should be agreed with the Local Authority.
- Further details are required as regards the management of construction traffic in order to accommodate schools in the vicinity.

- While the proposal is subthreshold as regards the requirements for a Traffic & Transport Assessment, details of peak hour trips should be provided.
- The proposed development is not considered suitable for 'taking in charge'. Therefore, all finishes should comply with the Council's standards for taking in charge (to facilitate any future plebiscites), or alternatively, a suitable condition should be imposed precluding any future plebiscite.

The report of the Transportation Planning Section proceeds to state that concerns remain as regards the proposed parking levels and the poor connectivity to Diswellstown Road, although it is acknowledged that national policy aims to reduce the reliance on private vehicle ownership in favour of more sustainable modes of travel. It subsequently concludes by recommending that the following issues be addressed by way of further information:

- A revised layout detailing the partial upgrading of Porterstown Road to provide for a suitable road width of between 5.5m to 6.0m, a footpath, and cycle facilities.
- Further engagement with the Council and the DART+ West Project Team to ensure that the development does not prejudice the future works planned on Porterstown Road (with revised proposals submitted accordingly).
- A revised cycle parking layout that provides individual lockers for each unit. Cycle parking facilities should consider cargo bike space, scooters & charging facilities, and security.
- Clarification of the necessary works to the existing access to the south.
- Consideration of future connectivity to the lands to the north and south.
- The entrance to the proposed development should be designed as a raised crossover of the footpath with pedestrians having priority.
- The preliminary construction management plan should further consider how construction traffic is to be managed during school hours.
- For clarity, details of peak hour trips for the operational stage of the development should be provided.

*Parks and Green Infrastructure Division:* States the following:

- The open space provision is not acceptable as 'public' open space as it does not satisfy the Council's requirements. Instead, it constitutes communal open space for the use of residents while providing for the retention of the hedgerow along the northern site boundary. Therefore, on the basis of the occupancy rate for 148.5 No. bed spaces, there will be a shortfall of 0.37 hectares of public open space for the development.
- Having regard to Objectives DMS75 & DMS76 of the Development Plan, an equipped playground is required (a minimum size of 396m<sup>2</sup> with one piece of play equipment per 50m<sup>2</sup>). The proposed playground is inadequate in terms of its size and functionality while the use of bark mulch as a surfacing material is inappropriate. Clarity is also required as regards what age group the recreational space has been designed for.
- The layout offers minimal potential for the sustainable retention of the existing trees and hedging along the northern boundary. The play area is located within the root protection area of the trees and hedgerow to be retained while many of the car parking spaces are sited directly adjacent to the hedgerow with a low retaining wall provided for 'protection' purposes and inadequate space left for maintenance or the provision of an herbaceous layer at the base of the hedging.
- The hedgerow along the northern boundary warrants protection and restoration as historical OSi mapping shows a field boundary at this location. The hedgerow should determine the layout of the development and form a defining character of the scheme while acting as a wildlife corridor, a landscape feature, and a screening device. A revised layout with sufficient setback from the trees etc. would be the preferred approach to tree / hedgerow management on site.
- The layout does not adequately ensure that the development will not have a long-term negative impact on local biodiversity, with particular reference to bat activity along the northern site boundary.
- The open area located within the north-western corner of the scheme constitutes communal open space.

- The proposed positioning of car parking relative to the open space will reduce passive supervision of the area and obstruct views from passing traffic.
- The open space should be revised to address the following:
  - o The fencing between the open space and the car parking should be replaced with a solid bar railing.
  - o The replacement of the 'hard binding gravel' with asphalt paths.
  - o The removal of the mounding for ease of maintenance.
  - o All furniture should be root fixed or surface mounted.

It is recommended that the foregoing issues be addressed by way of further information.

*Conservation Officer:* States that although the existing house is not the subject of any statutory heritage designation, Objective Nos. CH33 & CH37 of the Development Plan encourage the retention and re-use of vernacular buildings. It is further noted that a National Vernacular Strategy is to be launched by the Government and that the contribution of simple vernacular buildings to the built heritage of the country and in the creation of the character of a place is to be recognised and appreciated. Reference is also made to the built and natural heritage value of the wider area, including the Royal Canal.

The report proceeds to state that the proposal will be visually dominant given the site context and recommends that the potential impact on protected structures in the vicinity be evaluated.

With respect to the existing dwelling, it is suggested that if the scheme were more consistent with the prevailing pattern of development, or was of a lower scale towards its western edge, then the retention of the house could work (although it would require extension and possibly need to facilitate an alternative use e.g. a maintenance building, bicycle store, or a coffee kiosk / service use for the proposed greenway). It is considered that the height of the apartment block would dwarf the existing building (were it to be retained) as well as other buildings that immediately adjoin the site. The proposed block gives the impression of having been forced into the site rather than being designed as a response to the existing features and characteristics of the plot.

It is recommended that the following be sought as further information:

- An assessment of the impact of the proposal on the adjoining protected structures of the former Schoolhouse and the Royal Canal, along with contextual elevations. The scale of the proposal should be reconsidered, particularly at its western end, and the potential for the existing building to house some of the required services should be examined.

### 3.3. Prescribed Bodies

3.3.1. *Department of Housing, Local Government and Heritage*: Refers to the large scale & extent of the development and its location in an area of high archaeological potential before recommending that the following condition be attached to any grant of permission:

- Pre-development testing shall consist of the following:
  1. The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Act, 1930- 2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his / her express consent.
  2. The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a license to carry out the work.
  3. The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
  4. Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.
  5. Where archaeological material is shown to be present, avoidance, preservation *in situ*, preservation by record (excavation) and / or monitoring may be required and the Department of Housing, Local

Government and Heritage will advise the applicant / developer with regard to these matters.

6. No site preparation or construction work shall be carried out until the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Housing, Local Government and Heritage.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

- 3.3.2. *National Transport Authority*: States that representations have previously been made on the Kellystown Local Area Plan (and the Option Selection for the Kellystown Road Scheme) as well as the proposed development of 198 No. build-to-rent apartments etc. on the 'Old Schoolhouse' site to the west of Porterstown Road (ABP Ref. No. ABP-309622-21). In the context of the foregoing, and having reviewed the proposal based on the '*Transport Strategy for the Greater Dublin Area, 2016-2035*' and the '*National Cycle Manual*', the following observations are made:

*NTA Policy & Guidance Documents:*

- The policy principles set out in the '*Transport Strategy for the Greater Dublin Area, 2016-2035*' and the '*National Cycle Manual*' are clear that planning at the local level should promote walking, cycling and public transport, and that new development areas should be fully permeable (including providing for filtered permeability to remove car traffic where possible) for walking and cycling.
- The NTA is reviewing the Transport Strategy and a new strategy is expected imminently. The details within the updated Transport Strategy should be taken into consideration if published in time for the assessment of the subject application.

*Fingal Development Plan, 2017-2023:*

- Section 1.4: '*Strategic Vision*' states that the Plan will '*Promote active and healthy lifestyles through increased opportunities for walking, cycling and active sport and recreation*'. Strategic Policy No. 16 also aims to '*Promote, improve and develop a well-connected national, regional and local road and*

*public transport infrastructure system, geared to meet the needs of the County and the Region, and providing for all road users prioritising, walking, cycling and public transport’.*

- Sustainable Transport Objective MT13 of the Plan aims to *‘Promote walking and cycling as efficient, healthy and environmentally friendly modes of transport by securing the development of a network of direct, comfortable, convenient and safe cycle routes and footpaths, particularly in urban areas’.*

Zoning / Local Objectives:

- The site is zoned as *‘RS: Residential’* with the objective to *‘Provide for residential development and protect and improve residential amenity’.* The plan sets out a vision to *‘Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity’.*
- The site is within Clonsilla Village and the Development Plan sets out that *‘There are important pockets of undeveloped lands within the village which can provide opportunities for consolidation of the existing dispersed linear character of the village and realise the potential of the Royal Canal as a valuable amenity’.*
- The Plan outlines a number of objectives for Clonsilla Village, the most relevant in terms of transportation include:
  - *Objective Clonsilla 3:* Require that new development in the village optimises the Royal Canal, where appropriate and possible, as a local heritage resource and public amenity while protecting its character and biodiversity as a waterway.
  - *Objective Clonsilla 6:* Create a network of pedestrian and cycle routes between Clonsilla, the Royal Canal and the adjacent railway stations; and a connection from the ‘Windmill’ residential development to Dr. Troy Bridge and a new Light Rail Corridor Stop.
- An indicative cycle / pedestrian route is shown on lands immediately bounding the application site to the north, west and east. This forms



part of a wider proposed cycle network that would link the subject lands via the Porterstown Road with lands across the Royal Canal to the south within the Kellystown LAP. The Plan also indicates cycle lane routes as part of the Greater Dublin Area Cycle Network to the east and south of the site along the Diswellstown Road linking with lands to the south of the Royal Canal and further includes a proposed cycle lane along the Royal Canal.

- The zoning map includes the following objectives proximate to the subject lands:
  - MP13B (Old Schoolhouse Masterplan (Porterstown) to the immediate southwest.
  - Local Objective 137 which seeks to '*Preserve the existing pedestrian and vehicular right of way at the level crossing at Porterstown*'.
  - The provision of a Light Rail Stop further southeast.

#### Car Parking:

- The development of 46 No. one-bedroom and 53 No. two-bedroom apartments will require 144.3 No. car parking spaces as per Table 12.8: '*Car Parking Standards*' of the Development Plan. The proposal only includes for 67 No. spaces, however, the site is within 'Zone 1' which allows for fewer parking spaces (given the location within 1,600m of a railway station or a shorter distance using the Royal Canal towpath).

#### Bicycle Parking:

- The proposed bicycle parking provision accords with the '*Sustainable Urban Housing, Design Standards for new Apartments Guidelines 2020*'. It is noted that residents bicycle parking will be provided by way of internal secure bike stores with visitor parking to be provided throughout the site. The NTA is supportive of the quantum of parking proposed as well as the provision of spaces within the building envelope.

Clonsilla Urban Centre Strategy Urban Framework Plan (2008):

- The site forms part of Opportunity Site No. 5 and is described as *'suitable for residential development'*.
- Section 4.3 of the Framework states that *'Pedestrian movement within the Village itself is limited due to the lack of immediate permeability'*. Section 4.4 also comments that *'Little cycling was observed at any of the times that the area was inspected with the exception of morning and evening peak periods when a number of train passengers use bicycles for local access'*.
- Section 6.3: *'Opportunities'* of the Framework sets out (inter alia):
  - Redevelopment of the backland sites will enable more permeability and pedestrian friendly access; and
  - Development of the backlands should provide connectivity with the Royal Canal, increase its passive supervision and provide for new intermediate access.
- Section 9.2: *'Pedestrian Movement'* sets out that *'Interlinking existing estates with Opportunity Sites could improve pedestrian movement through the Village'*. Strategic Objective M01 states that the Planning Authority will *'Enable permeability by inter-linking pedestrian routes through new development area'*.
- The Framework supports the development of the site but this is linked to enhanced permeability regarding pedestrian and cycle links.

Assessment:

The NTA is supportive in principle of the proposed development given the site location relative to Clonsilla & Coolmine Stations which provide a high-capacity rail link to Dublin City Centre and intermediate destinations in line with the principles of land use and transport integration as set out in the Transport Strategy.

Objective Clonsilla 6 of the Development Plan states that new development will be required to create a network of pedestrian and cycle routes between Clonsilla, the Royal Canal, adjacent railway stations, and the 'Windmill' residential development. Objective Clonsilla 7 also requires the development of linear pedestrian / cyclist links between Clonsilla and Porterstown Stations via open space lands.

Paragraph 5.7.3 of the Planning Report submitted with the application states that ‘*a pedestrian link along the western boundary of Porterstown Road by the provision of a 2m footpath which will enhance the connectivity and permeability between the subject site, Clonsilla village and surrounding context with the Royal Canal Greenway*’. The proposed entrance to Porterstown Road should have tight radii and either dropped kerbs or a raised table across the mouth of the entrance to facilitate the safe and efficient movement of pedestrians.

The Planning Report further states that due to the extent of the applicant's ownership it is not possible to provide the connection from the site onto Diswellstown Road as envisaged in the Development Plan. This does not accord with the objective that seeks to create a network of pedestrian and cycle routes between Clonsilla and the Windmill residential development to the east. Therefore, further information should be provided on the implications for permeability and the maintenance of access to Diswellstown Road.

The Planning Report also refers to the proposed DART expansion project and the potential to facilitate improved journey times and increased frequencies which will in turn increase passenger capacity. There is reference in the planning application to the proposed closure of the Porterstown level crossing and the provision of a replacement pedestrian footbridge with steps and ramps. This is followed by a generic statement that permeability is intended to be improved by either permitted or proposed developments which will further enhance the accessible location of the subject site. While this is accepted by the NTA, there is no reference or statement as to the specifics of how the proposed development will align with the DART+ West preferred options for the Porterstown level crossing replacement in particular. Further information should be provided on the implications for permeability and the maintenance of access to the Royal Canal Greenway from both the closure of the existing level crossing and the proposed replacement link.

The NTA has concerns regarding the integration of the scheme with surrounding development lands. The Kellystown LAP indicates a future pedestrian / cyclist bridge which will provide a connection to Clonsilla. Consideration should be given to the integration of the proposed development with the aspirations of the Kellystown LAP, including the road scheme. There does not appear to be any reference to the

proposed pedestrian bridge connection within the planning application and the status of this bridge in relation to the proposed development should be confirmed.

The objectives of the Mobility Management Plan and the role of the mobility manager are welcomed by the NTA.

Recommendations:

- In light of the reduced car parking provision and the reliance of future residents on sustainable modes of transport, it is critical that efficient and direct walking and cycling routes to the Clonsilla & Coolmine stations as well as bus routes are provided.
- The site offers the potential to increase permeability on an east-west axis and on a north-south axis linking future residents with the Kellystown LAP lands and along the Royal Canal corridor. Any grant of permission should be cognisant of the need to maximise active travel options integrating the subject lands with existing and proposed development in the area.
- The development entrance should have tight radii and either dropped kerbs or a raised table across its mouth.
- The applicant has stated that whilst a connection to the Diswellstown Road cannot be achieved due to site ownership, a connection through the site could be facilitated in the future. It is recommended that this provision be sought as part of any updated plans with a condition attached to any grant of permission safeguarding the route.
- The applicant should confirm the pedestrian and cycle links from the site to neighbouring developments, the Royal Canal Greenway, and train & bus services taking into account the proposed closure of the Porterstown vehicular crossing and the replacement pedestrian / cyclist crossing.
- Any grant of permission should be linked to the objectives of the MMP and the role of the mobility manager combined with the various transport initiatives in both the construction and operation of the proposed development should be specified.

*Irish Water:* No objection, subject to conditions.

*Córas Iompair Éireann / Iarnród Éireann*: States the DART+ West Project is presently under development and that this includes for the permanent closure of the Porterstown level crossing with proposals to construct a replacement pedestrian & cyclist bridge structure spanning the railway and the Royal Canal. These works will also entail the construction of a mini roundabout at the end of Porterstown Road to facilitate the turning of vehicles following closure of the vehicular crossing. Therefore, CIE / IE's primary concern is the inconsistency of the proposal with the DART+ West Project which has been on public display since August, 2020 (The mini roundabout is within the application site and the proposed access arrangements are not consistent or compatible with the DART+ West proposals. In addition, the ESB substation is proposed within the footprint of the mini roundabout).

CIE/IE has previously engaged with the Planning Authority as regards the interface between the DART+ West project and the development of the Royal Canal Urban Greenway to ensure that the proposals are compatible. Similar consultations were undertaken in relation to the strategic housing development lodged under ABP Ref. No. ABP-309622. The applicant has not consulted with the DART+ West Project Team as regards its proposals.

It is recommended that the Local Authority request the applicant to engage in discussions with the DART+ West Design Team to ensure a coordinated design that meets the needs of the applicant, the DART+ West Project, the Royal Canal Urban Greenway, and other proposed developments in the vicinity.

Should permission be approved for the proposal as submitted, any subsequent DART+ West Railway Order will seek amendments to the development configuration and, therefore, it is preferable that conflicts be resolved prior to any grant of permission.

### **3.4. Third Party Observations**

- 3.4.1. A total of 74 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be derived from my summation of the observations received on the first party appeal.

## 4.0 Relevant Planning History

### 4.1. On Site:

None.

### 4.2. On Sites in the Immediate Vicinity:

4.2.1. PA Ref. No. FW19A/0112 / ABP Ref. No. ABP-305478-19. Was refused on appeal on 27<sup>th</sup> February, 2020 refusing Aldi Stores Ltd. permission for a mixed use residential & retail scheme comprising: (1) construction of two-storey commercial block incorporating a foodstore with ancillary off-licence sales area; and a crèche; (2) associated signage (3) construction of 32 No. apartments; (4) surface car parking (5) cycle spaces; (6) revised vehicular access off Weavers Row; (7) and all landscape, boundary treatment and site development works, all at Weaver's Row, Clonsilla, Dublin.

- The site of the proposed development forms part of a key site within the village of Clonsilla for mixed use development, with the land use zoning objective “TC” Town and District Centre. It also forms a significant portion of undeveloped lands within the Clonsilla Urban Centre Strategy 2008 identified as “Opportunity Area number 3”. The Strategy identifies this area for an integrated mixed-use development of retail, general business use, restaurants, creche, underground parking, pedestrian links to Canal and new civic space, and notes that it presents the best development opportunity and is the appropriate location to integrate and consolidate the village core, thereby enhancing and protecting the character of the village. The proposed development, by reason of its poor design and layout, including distribution and usability of open space, roads layout, dominance of surface car parking, lack of set down area for the proposed crèche, minimal landscaping and lack of permeability with adjoining areas, would result in a substandard, uncoordinated form of development on this central site in the village core. It would seriously injure the residential amenity of future occupants, would set an undesirable precedent for similar non-integrated forms of development in the area, and would, therefore, fail to comply with the policies and objectives set out in the Fingal County Development Plan 2017-2023, the Design Manual for Urban Roads and Streets issued by the Government of Ireland in May

2019, and Clonsilla Urban Centre Strategy 2008. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2.2. ABP Ref. No. ABP-306074-19 (Strategic Housing Development). Was granted on 30<sup>th</sup> March, 2020 permitting Kimpton Vale Ltd. permission for the provision of 211 No. apartments in four blocks to the south and west of the Windmill Park, Terrace, Court and Square residential development, to the east of Diswellstown Road, west of Station Court and north of the Royal Canal.

4.2.3. ABP Ref. No. ABP-308695-20 (Strategic Housing Development). Was refused on 15<sup>th</sup> March, 2021 refusing Castlethorn Construction ULC permission for the demolition of existing buildings, construction of 360 No. residential units (128 No. houses, 232 No. apartments), a childcare facility, and associated site works, in the townlands of Kellystown, Porterstown and Diswellstown, Dublin 15.

- The proposed vehicular layout and access arrangement to Block A is contrary to Key Objective DA 1.6 and Objective 7.4 of Kellystown Local Area Plan, compromising the delivery of east-west connectivity as set out in the Local Area Plan, as well as cyclist and pedestrian connectivity in accordance with Key Objective DA 1.3. Furthermore, it is considered that the lack of an agreed Green Infrastructure Masterplan for the application site is contrary to Phase 1 Eastern Development Area (DA1) of the Local Area Plan.
- Having regard to the Urban Design Manual – a Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in May 2009 which accompanies the Guidelines for planning authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, it is considered that the proposed development results in a high number of cul-de-sacs, poorly defined and overlooked streets and open spaces, which would result in a substandard form of development, and would seriously injure the residential amenities of future occupants. Furthermore, the development fails

to deliver adequate pedestrian facilities along the eastern boundary of the site with Porterstown Road. The proposed development would seriously injure the residential amenities of future occupants, would, therefore, be contrary to these Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

4.2.4. ABP Ref. No. ABP-309622-21 (Strategic Housing Development). Was refused on 28<sup>th</sup> June, 2021 refusing Osh Ventures Ltd. permission for the construction of 198 No. 'Build-To-Rent' apartment units in eight blocks (ranging in height from four / five to seven storeys), the refurbishment & alteration of an existing protected structure to provide for a management office with ancillary community use for residents, childcare facilities, and associated site works at the Old Schoolhouse Site, Porterstown Road, Kellystown, Clonsilla, Dublin 15.

- Having regard to the location of the proposed development, within a 'highly sensitive landscape' designated in the Fingal County Development Plan, 2017-2023 and adjacent to the Royal Canal, a proposed Natural Heritage Area and a Protected Structure, it is considered that the scale and positioning of the blocks directly over the canal bank and the removal of a significant amount of vegetation and trees along this area of the site would adversely alter the character of this location. The proposal would have a significantly negative impact on the Royal Canal which would be contrary to Objective Clonsilla 3, Objective CH43, Objective NH34 and Objective NH36 of the Fingal County Development Plan, 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.
- The granting of permission for the proposed development would be premature pending completion of further ecological assessments to allow a comprehensive evaluation of the impacts of the proposed development on flora, fauna and natural habitats, and in particular, the dry calcareous and neutral grassland (GS1) occurring on the development site, the Royal Canal proposed Natural Heritage Area, badger, protected under the Wildlife Acts 1976-2018, Daubenton's Bat and other bat species and otter, protected under the Habitats Directive (92/43/EEC).



4.2.5. PA Ref. No. FW21A/0236. Was refused on 3<sup>rd</sup> February, 2022 refusing Aldi Stores (Ireland) Ltd. permission for the construction of a mixed use residential & retail scheme comprising: 1) Construction of a 2 storey commercial block incorporating a foodstore with ancillary off-licence sales area; 2) Construction of 4 No. single storey retail units; 3) Construction of 76 No. dwellings 4) Car parking 5) Cycle spaces 6) Revised access off Weavers Row and a new vehicular access off Weavers Row; 7) Demolition of semi-derelict former dwellings on part of the site 8) All landscape, boundary treatment and site development works. All at Weavers Row, Clonsilla Road, Dublin 15.

- Having regard to the Urban Design Manual – a Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in May 2009 which accompanies the Guidelines for planning authorities on Sustainable Residential Development in Urban Areas and includes key criteria in relation to context, connections, layout, and public realm, and having regard to the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, the proposed development would result in a poor road layout which is dominated by car parking and prioritises vehicles over pedestrians; inadequate cycle parking, a lack of connectivity to adjoining areas, failure to deliver adequate pedestrian and cycle facilities on a north-south and east-west axis and a lack of adequate setback from the Clonsilla Road to provide for cycle facilities. The proposed development would seriously injure the residential amenities of future occupants, be contrary to these Ministerial Guidelines which have been issued to planning authorities under Section 28 of the Planning and Development Act 2000, as amended, would contravene Objectives Clonsilla 3 and 6 of the Fingal County Development Plan 2017-2023, and would, therefore, and would be contrary to the proper planning and sustainable development of the area.
- Having regard to: the proximity of dwellings to the proposed Aldi store and loading bay and the associated negative impacts of noise and traffic; the overbearing nature of the proposed duplex units; and the distance between opposing blocks in the proposed development and the pattern of fenestration,

the quality of some of the finishes and lack of active street frontage onto Clonsilla road, it is considered that the proposed development would fail to provide a satisfactory architectural response level of residential amenity for the future residents of the scheme and would give rise to unacceptable overlooking between opposing residential units which would adversely impact on the residential amenities of future occupants and would contravene materially objective DMS28 of the Fingal County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- Having regard to the TC zoning which seeks to maintain and build on the accessibility, vitality and viability of the existing urban centres and objective PM31 of the Fingal County Development Plan 2017-2023 which is to promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, it is considered that the proposed development fails to comply with this vision in terms of architectural design and quality finishes and lack of active street frontage to the Clonsilla Road and would fail to provide a satisfactory standard of urban design. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2.6. ABP Ref. No. ABP-312318-21 (Strategic Housing Development). Application by Castlethorn Construction ULC for permission for the construction of 349 No. residential units (123 No. houses, 226 No. apartments), creche and associated site works, in the townlands of Kellystown, Porterstown and Diswellstown, Clonsilla, Dublin 15. No decision to date.

## 5.0 Policy and Context

### 5.1. National

#### 5.1.1. Project Ireland 2040: National Planning Framework, 2018:

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban

development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

A number of key 'National Policy Objectives' are as follows

- NPO 1(b): Eastern and Midland Region: 490,000 - 540,000 additional people, i.e. a population of around 2.85 million.
- NPO 3(a): Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- NPO 3(b): Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill

development schemes, area or site-based regeneration and increased building heights.

#### 5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:**

This a multi-annual, multi-billion euro plan to 2030 which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability;
2. Pathway to eradicating homelessness, increasing social housing delivery and supporting inclusion;
3. Pathway to increasing new housing supply; and
4. Pathway to addressing vacancy and efficient use of existing stock.

#### 5.1.3. **Section 28 Ministerial Guidelines:**

The following list of Section 28 Ministerial Guidelines are of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (December, 2013) (as updated) (including Interim Advice note Covid-19 May, 2020)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection, Guidelines for Planning Authorities (2011).

## 5.2. Regional

### 5.2.1. Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031:

Under the RSES, a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin.

The following Regional Policy Objectives are of note:

- RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 5.2: Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.
- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design

Standards for New Apartments’ Guidelines and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.8: Support the promotion and development of greenway infrastructure and facilities in the Dublin Metropolitan Area and to support the expansion and connections between key strategic cycle routes and greenways as set out in the NTA Greater Dublin Area Cycle Network Plan.

(The Royal Canal is identified in the MASP as one of the strategic natural, cultural and green infrastructure assets in the region).

### 5.3. Development Plan

#### 5.3.1. Fingal County Development Plan, 2017-2023:

*Land Use Zoning:*

The proposed development site is zoned as ‘RS – Residential’ with the stated land use zoning objective 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.

*Other Relevant Sections / Policies:*

*Chapter 2: Core Strategy and Settlement Strategy:*

*Section 2.7: Settlement Strategy:*

*Table 2.9: Metropolitan Area: Consolidation Areas Within Gateway: Clonsilla:*

*Objective SS01:* Consolidate the vast majority of the County’s future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the core to towns and villages, as advocated by national and regional planning guidance.

*Objective SS01a:* Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic

Outcome of Compact Growth and Regeneration as set out in the RSES.

*Objective SS01b:* Consolidate within the existing urban footprint, by ensuring 50% of all new homes within or contiguous to the built-up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES.

*Objective SS 02b:* Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centre lands where infrastructural capacity is readily available, and they are along an existing or proposed high quality public transport corridor and on appropriate infill sites in the town centres, in a phased manner alongside the delivery of appropriate physical and social infrastructure.

*Objective SS03a:* Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES.

## *Section 2.8: Settlement Strategy for the Metropolitan Area, and Key Town*

### *Consolidation Areas within the Metropolitan Area:*

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

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

*Objective SS15:* Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield

redevelopment in order to maximise the efficient use of existing infrastructure and services.

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

### *Chapter 3: Placemaking:*

#### *Section 3.2: Sustainable Communities*

#### *Section 3.4: Sustainable Design and Standards:*

##### *Apartment Development:*

Apartment developments should be of high quality design and site layout having due regard to the character and amenities of the area. All apartment developments shall accord with or exceed all aspects of Government Guidelines in relation to residential development best practice, including ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2007 & 2015) and ‘Sustainable Residential Development in Urban Areas’ (2009) and provisions of Tables 12.1, 12.2 and 12.3 - Dwelling and Apartment Standards set out in Chapter 12 Development Management Standards.

*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.

#### *Section 3.5: Open Space*

#### *Section 3.6: Community Infrastructure, Facilities and Services*

### *Chapter 4: Urban Fingal*

#### *Section 4.2: Metropolitan Area: Clonsilla Village:*

Clonsilla is a local centre with a limited number of retail and other commercial activities. There are important pockets of undeveloped lands within the village which



can provide opportunities for consolidation of the existing dispersed linear character of the village and realise the potential of the Royal Canal as a valuable amenity.

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

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

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

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

*Objective Clonsilla 4:* Protect the historic character of Clonsilla Village by conserving old houses and cottages and only permitting sensitive development.

*Objective Clonsilla 5:* Secure lands adjacent to the Royal Canal for environmentally friendly and sustainable public access and public open space.

*Objective Clonsilla 6:* Create a network of pedestrian and cycle routes between Clonsilla, the Royal Canal and the adjacent railway stations; and a connection from the 'Windmill' residential development to Dr. Troy Bridge and a new Light Rail Corridor stop.

*Objective Clonsilla 7:* Develop a linear pedestrian / cyclist link between Clonsilla and Porterstown Stations via open space lands.

*Chapter 7: Movement and Infrastructure:*

- Objective MT01:* Support National and Regional transport policies as they apply to Fingal. In particular, the Council supports the Government's commitment to the proposed new Metro North and DART expansion included in Building on Recovery: Infrastructure and Capital Investment 2016-2021. The Council also supports the implementation of sustainable transport solutions.
- Objective MT02:* Support the recommendations of the National Transport Authority's Transport Strategy for the Greater Dublin Area 2016-2035 to facilitate the future sustainable growth of Fingal.
- Objective MT03:* Implement Smarter Travel – A Sustainable Travel Future policy and work to achieve the Key Goals set out in this policy.
- Objective MT04:* At locations where higher density development is being provided, encourage the development of car-free neighbourhoods, where non-motorised transport is allowed and motorised vehicles have access only for deliveries but must park outside the neighbourhood, creating a much better quality public realm with green infrastructure, public health, economic and community benefits.
- Objective MT05:* Integrate land use with transportation by allowing higher density development along higher capacity public transport corridors.
- Objective MT14:* The Council will work in cooperation with the NTA and adjoining Local Authorities to implement the Greater Dublin Area Cycle Network Plan subject to detailed engineering design and the mitigation measures presented in the SEA and Natura Impact Statement accompanying the NTA Plan.
- Objective MT22:* Improve pedestrian and cycle connectivity to stations and other public transport interchanges.
- Objective MT30:* Support Iarnród Éireann and the NTA in implementing the DART Expansion Programme, including the extension of the DART line to Balbriggan, the design and planning for the expansion of DART services to Maynooth, and the redesign of the DART Underground.

*Chapter 8: Green Infrastructure*

*Chapter 9: Natural Heritage:*

*Section 9.4: Landscape:*

*Landscape Character Assessment: River Valleys and Canal Character Type:*

The Tolka and Liffey valleys together with the Royal Canal Corridor are the main landscape features in this area.

The Royal Canal corridor is also included in this zone. The canal and its corridor provide valuable habitat for fish and other species and is a pNHA. The canal itself and the many bridges and other structures associated with it are an integral part of the County's architectural heritage.

This Character Type is categorised as having a high value, due to the visual and recreation qualities contained therein. This is evident by virtue of the High Amenity zoning and SAA designation in the area in addition to the dense tree belts and steep river valley slopes. The river valleys and the canal are also important for their ecology and biodiversity.

*Landscape Character Types – Sensitivity: Highly Sensitive Character Types: River Valleys & Canal Character Type*

*Objective NH33:* Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

*Objective NH34:* Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.

*Objective NH35:* Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks and large agricultural/horticulture units which would interfere with the

character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve.

*Objective NH36:* Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm
- Introduces incongruous landscape elements
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

*Objective NH37:* Ensure that new development meets high standards of siting and design.

## *Chapter 12: Development Management Standards*

### *Section 12.3: Design Criteria for Urban Development*

### *Section 12.4: Design Criteria for Residential Development*

#### *Apartment Development*

*Objective DMS20:* Require the provision of a minimum of 50% of apartments in any apartment scheme are dual aspect.

*Objective DMS21:* Allow a reduced percentage of dual aspect apartments only in circumstances where it is necessary to ensure good street frontage and subject to high quality design. In no instance will the provision be less than 33% of the number of apartments in the scheme.

*Objective DMS22:* Require a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.

*Objective DMS23:* Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes.

(Objectives DMS24 to DMS48 describe the qualitative standards for new residential development).

#### Section 12.7: *Open Space*

For all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population. In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area. The development site area cannot include lands zoned RU, GB, OS or HA.

*Objective DMS57:* Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

*Objective DMS57A:* Require a minimum 10% of a proposed development site area be designated for use as public open space.

The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban

neighbourhood parks and/or recreational/amenity facilities is not achievable. This is subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5.

*Objective DMS57B:* Require a minimum 10% of a proposed development site area be designated for use as public open space.

The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5.

The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5.

Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

Section 12.10: *Movement and Infrastructure*

Section 12.12: *Natural Heritage*

*Appendix 6:*

*Map Based Local Objectives:*

- No. 137 Preserve the existing pedestrian and vehicular right of way at the level crossing at Porterstown.

*Green Infrastructure Mapped Based Objectives:*

- Green Infrastructure Objective GIM10: Seek the development of the Royal Canal as a significant public amenity while protecting its natural and built heritage.

**5.3.2. Clonsilla Urban Centre Strategy, 2008:**

*Chapter 7: Consolidation and Enhancement:*

*Section 7.1: Opportunity Sites:*

*Area No. 5:* Southeast of St Mochta's Primary School with frontage onto the Canal and suitable for residential development. The zoning is "SC" for a site area of 2.07 ha (Please refer to Map No. 4: 'The Opportunity Sites').

*Chapter 8: Land Use:*

*Section 8.2: Residential Use:*

Density can be maximised but must be in housing forms of two and three-storeys in much of the area. Single storey is appropriate at interface locations or as echoing elements of Village building forms. Densities in the order of 40-50 per hectare (16-21 per acre) can be achieved without adverse visual effect. The Opportunity Sites have the capacity to accommodate circa 580 residential units with a population of approximately of 1,450 persons at 2.5 persons per unit. The illustrations in the Section on Overall Design demonstrate the nature and density of the proposed new housing.

*Chapter 9: Movement Strategy:*

*Section 9.2: Pedestrian Movement*

*Section 9.3: Cycleways*

*Chapter 10: Overall Design:*

*Section 10.6: Opportunity Site No. 5:*

This site lies to the east of the Porterstown Road and is bounded on the north by open space and new residential development, on the east by the Diswellstown Road

and on the south by the Royal Canal / Railway. It is zoned objective 'SC' - "to protect and enhance the special physical and social character of urban suburban centres and provide and improve urban facilities" and this reflects its proximity to the proposed Porterstown Railway Station. It is anticipated that the predominant land use will be residential and a small quantum of mixed use adjacent to the pedestrian link. A crèche will also be required.

The area is somewhat distant from Clonsilla village core and is of size that can set its own scale and density. The new Diswellstown Road in particular is of substantial scale as it rises to cross the Canal and Railway consequently buildings on this edge should respond to that scale. The area to the south contains significant vegetation that will be conserved. New buildings should also respond to this large open area and be of a more substantial scale. Proximity to the Rail Station promotes the area as suitable for mixed apartment and housing use with houses best located at the northern interface with existing housing.

The absence of a strong village context frees the architectural designer and a high standard of contemporary architectural design will be enabled. Distinctive building forms will be enabled at Diswellstown Road, particularly in the south eastern corner to signal the crossing of the Canal and Railway and the proximity of the proposed Porterstown Railway Station. This does not necessarily mean constructing a high building. The illustration demonstrates how such a site can be marked successfully by an extra storey with appropriate design. Heights of five storeys will be considered along the eastern and southern frontages with a scaling down to three storeys on the Porterstown Road and two-storeys at the interface with the existing residential development.

Car parking will be provided underground or at undercroft level in a well designed manner.

A link under Diswellstown Road to the open space to the east will be provided. It is critical that this link is well lit and finished in high quality materials in order to prevent it becoming a location for anti-social behaviour.

Section 10.9: *Design Standards:*

*Appendix 2: Indicative Development Capacity:*

Opportunity Site No. 5 (Area: 2.0705 Ha) (Density: 51 No. Units per hectare):-



- 26 no. one-bedroom apartments
- 66 No. two-bedroom apartments
- 14 No. three-bedroom houses

Total: 106 No. units.

#### 5.4. Natural Heritage Designations

5.4.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- The Royal Canal Proposed Natural Heritage Area (Site Code: 002103), to the immediate south of the site.
- The Liffey Valley Proposed Natural Heritage Area (Site Code: 000128), approximately 1.1km southwest of the site.
- The Rye Water Valley / Carton Special Area of Conservation (Site Code: 001398), approximately 6.0km west-southwest of the site.
- The Rye Water Valley / Carton Proposed Natural Heritage Area (Site Code: 001398), approximately 6.0km west-southwest of the site.

5.4.2. Surface and foul waters from the proposed development will ultimately drain to Dublin Bay, located c.15km east of the proposed development site. Dublin Bay contains the following European Sites: North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC, Dalkey Island SPA, Howth Head Coast SPA, and Howth Head SAC.

#### 5.5. EIA Screening

5.5.1. An Environmental Impact Assessment Screening Report has been submitted with the application and I have had regard to same.

5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area, and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.5.3. The proposed development consists of the demolition of an existing vacant dwelling house and outbuildings followed by the construction of 99 No. apartments (46 No. one bedroom and 53 No. two bedroom apartments) in a 5 No. storey block together with all ancillary development and services, including a new vehicular access and pedestrian / cycle accesses off Porterstown Road, an internal access roadway, car parking, bicycle parking, bin storage, landscaping, boundary treatment, connection to mains services, and associated site development works. The number of dwellings proposed is well below the threshold of 500 units noted above. The site has an overall area of 0.9ha and is located within an existing built-up area but not in a business district. The site area is therefore below the applicable threshold of 10ha.

5.5.4. The proposed development site comprises an expanse of greenfield land in addition to an unoccupied vernacular cottage (and its associated garden area) and is located in the Porterstown area of Clonsilla Village where it occupies a position between Porterstown Road to the west and Diswellstown Road to the east. The southernmost extent of the site area lies within the Royal Canal proposed Natural Heritage Area while the entirety of the site is within the ‘River Valley/Canal’ Landscape Character Area and has been designated as a ‘Highly Sensitive’ landscape in the Development Plan. The immediate site surrounds are largely residential and characterised by conventional low / medium density housing developments, although there are a number of schools and other community uses in the locality with the village core c. 500m north / northwest of the site. The introduction of a residential development as proposed will not have an adverse impact in environmental terms on surrounding land uses. While the site is partially located within the Royal Canal pNHA, it does not lie within a Natura 2000 site and the proposed development is not likely to have a significant effect on any European Site (as discussed below). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the

public water and drainage services of Irish Water and Fingal County Council, upon which its effects would be marginal.

5.5.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned as '*RS – Residential*' with the stated objective to '*Provide for residential development and protect and improve residential amenity*' under the provisions of the Fingal County Development Plan, 2017 – 2023, and the results of the strategic environmental assessment of the Fingal County Development Plan, 2017 – 2023, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the broader extent of the site area and development works outside of any sensitive location specified in article 299C of the Planning and Development Regulations, 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.5.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this instance. (See Preliminary Examination EIAR Screening Form).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Having regard to the site location in a core urban area proximate to high quality public transport and an extensive range of services and amenities, the subject lands have the potential for significant densification and increased building height in line with national policy objectives, with particular reference to the National Planning Framework – Project Ireland, 2040 and the '*Urban Development and Building Height, Guidelines for Planning Authorities*'.
- The proposal is an innovative design response to a long, linear site and is intended to provide an exemplar residential development that responds to the quantitative requirements of the Development Plan, achieves a sufficient density in the interests of land efficiency, and provides for the sustainable development of urban lands adjacent to the Royal Canal Greenway.
- Although the surrounding site context is characterised by traditional low-medium density suburban housing, there has been a shift towards higher density apartment schemes locally which serves to demonstrate the sustainable core urban location of the lands adjacent to the Royal Canal Greenway, and the availability of high-quality public transport options as well as the range of services offered by Clonsilla Village and the nearby Blanchardstown Town Centre.
- With respect to the proximity of the proposed development to the adjoining lands to the south, it should be noted that the owner of those lands has contracted to dispose of the subject site to the applicant on the full understanding that said lands are to be developed for high-density residential purposes. The entirety of the landholding was not sold as the family in question has sought to retain part of the lands for their continued use and occupation. In this regard, there is a clear distinction between the adjacent dwelling and its associated garden area, and the remaining farmland which adjoins the southern boundary of the application site.
- The neighbouring dwelling (and its garden area) to the south are located c. 34m from the boundary with the application site. Therefore, given the

separation distances involved and the agricultural use of the intervening lands, there is limited potential for any impact on the residential amenity of the existing dwelling.

- The proposed building is generally set back 10-12m from the site boundary. Assuming the neighbouring lands were to be developed, with similar distances and at a similar height of 5 No. storeys, there would be a separation distance of c. 20-24m between the opposing blocks. In this respect, and by way of precedent, the Board is referred to its assessment of ABP Ref. No. ABP-309026-20 wherein it was held by the reporting inspector that a distance of 18m between a six-storey block and any future development on adjoining lands would provide for adequate separation. The subject proposal is only five-storeys in height and provides for a greater separation than was permitted under ABP Ref. No. ABP-309026-20. In the interest of creating compact cities, it is considered that the separation proposed is appropriate. It should also be noted that 'The Courtyard' development to the north of the application site provides for a similar separation from the shared boundary as the proposed development. Furthermore, the Board's approval of ABP Ref. No. ABP-300080-18 (PA Ref. No. D17A/0707) provides another example of a similar separation distance having been deemed acceptable.
- There will be a separation distance of c. 34m between the proposed apartment block and the existing dwelling house to the immediate south.
- While it was the initial intention to provide a pedestrian & cycle connection through the site onto Diswellstown Road (where there is a significant change in level), following legal searches by the Local Authority and the applicant's advisors, it was determined that there was an area of intervening land held in the ownership of a third party. Accordingly, the applicant is not presently in a position to complete a connection through the site.

Notwithstanding the foregoing, the site has excellent access to public transport given that it adjoins the Royal Canal Greenway which will provide a direct link to Dublin City Centre as well as enhancing access and reducing journey times to both Clonsilla and Coolmine Rail Stations. The upgrading of

the Greenway is a priority for Government and is expected to be completed in parallel with the proposed development.

- With respect to connectivity from within the site, the Board is referred to Drg. No. 21RG03-DR-301 submitted with the grounds of appeal and the assertion that the applicant is amenable to providing the ramp and stair infrastructure for a connection through to Diswellstown Road. In the event that the Local Authority can secure consent through the intervening third party lands, a connection onto Diswellstown Road can be provided and the applicant is willing to accept a condition in this respect, if required.
- While indicative proposals for the DART+ West Project (including the revision of the Porterstown Road level crossing) have been published and an application for a Railway Order is expected to follow, there is presently no formal approval in place for DART+ West.

The DART+ West Project provides for the closure of the existing Porterstown Road level crossing and its replacement with a new pedestrian / cycle bridge over the railway line. This will result in the closure of Porterstown Road just north of Kennan Bridge with a mini roundabout proposed to facilitate turning at the end of the newly formed cul-de-sac (it is noted that an allowance has been made in the prospective design for the potential future development of lands to the west i.e. the 'Old Schoolhouse' site).

On review, it is accepted that the location of the ESB substation and some of the cycle parking for the proposed development will conflict with the DART+ West proposed layout. Therefore, following discussions with Irish Rail as regards the interaction of the two projects, the Board is referred to the revised proposals submitted with the grounds of appeal wherein the layout of the development has been amended through the relocation of the substation and cycle parking which previously conflicted with the proposed DART+ West mini-roundabout. These revisions ensure that the proposed development will not impede the delivery of DART+ West.

- Given that the DART+ West proposals have yet to receive planning permission and include for extensive works outside of the application site, including on both public and private lands, those works cannot be delivered as

part of the proposed development. Furthermore, the current programme for delivery of the DART+ West proposals is indicatively from 2024-2027 which is significantly beyond the expected completion date of the proposed development. Therefore, it is proposed to maintain the simple priority entrance to the development with the mini-roundabout configuration to be delivered as part of DART+ West, subject to planning approval.

- During discussions with representatives of the Local Authority it was indicated that no aspect of the development would impact on the delivery of the Royal Canal Greenway. Furthermore, the DART+ West proposals also allow for the delivery of the Greenway. In effect, there will be no impediment to the delivery of the Greenway consequent on the proposed development and, therefore, the concerns of the Planning Authority in its decision to refuse permission have been addressed.
- The construction of a five-storey development cannot be considered challenging given the site context in a core urban location proximate to Clonsilla Village, Blanchardstown Town Centre, and high-quality public transport.
- In its approval of the neighbouring 'Windmill' development to the east, the Board has acknowledged the appropriateness of the general location for densification and increased building height. The granting of permission for the Windmill SHD has set a positive precedent for higher density and increased building heights in the area. Therefore, the development site should be considered favourably for the subject proposal, particularly having regard to its locational characteristics, the residential land use zoning, the availability of public transport, and the siting of the Royal Canal Greenway.
- The proposal replicates the setbacks provided by 'The Courtyard' development to the north while the Daylight Report demonstrates no material impact on that neighbouring housing (the only development in the vicinity which the scheme could potentially impact upon from a daylight / sunlight perspective).
- In design terms, the proposed development is a considered response to both the existing context of the site and the future development of it and adjoining

lands as anticipated in the Clonsilla Urban Centre Strategy, 2008, particularly in light of the *'Urban Development and Building Height, Guidelines for Planning Authorities'* which recommend that developments should make *'a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner'*.

- The siting of the public open space within the north-western corner, when taken in tandem with the playing pitches of St. Mochta's N.S., forms a 'soft' green edge along the length of Porterstown Road.
  - The 'L'-shape of the block at its western end overlooks the public open space thereby maximising passive surveillance and creating a sense of place at the entrance.
  - The linear nature of the eastern block forms an elevation onto the proposed 'homezone' access street. Parallel with the most southerly block of the 'The Courtyard', the separation distance between the proposed galley access decks and the habitable room rear windows of 'The Courtyard' is c. 25m, an appropriate distance in the context of trying to provide compact cities.
  - The eastern section of the proposed block anticipates the future development of the adjoining zoned lands to the south. The accompanying concept sketch illustrates the development of the two sites as forming a 'strong' edge to the zoned open space alongside the Royal Canal. The sketch also shows that the cohesive development of the two sites would create a large central communal amenity area that would have controlled gateways, which would be overlooked on all sides, with enclosed privacy strips forming thresholds to the ground floor apartments.
- The purpose of the Clonsilla Urban Centre Strategy, 2008 (CUCS) was to create a 'realistic vision' for the development of sites within the wider Clonsilla neighbourhood. It included reference to the Royal Canal as an unused amenity that could be interlinked with new development and in this regard the



'concept sketch' for the combined development of the Porterstown sites envisages a continuous frontage overlooking the canal.

- The subject site and adjoining lands were designated as 'Opportunity Area No. 5' in the Clonsilla Urban Centre Strategy, 2008 wherein it is stated that development could '*set its own scale and density*'.
- The Clonsilla Urban Centre Strategy states that the '*absence of a strong village context frees the architectural designer and a high standard of contemporary architectural design will be enabled*'. While the concept sketch in the strategy indicates building heights ranging from three to five storeys, the five-storey nature of the subject proposal is reflective of the evolution of national policy in relation to building height since the drafting of the CUCS.
- The site is less than 1km from Coolmine Station (accessible via the Royal Canal Greenway) and is also well-served by local amenities / services as well as bus routes to the city and beyond. Therefore, it is a 'Central and / or Accessible Urban Location' as per the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities*' and is suitable for a large-scale higher-density development '*that may wholly comprise apartments*'.
- Specific Planning Policy Requirement 4 of the '*Urban Development and Building Height, Guidelines for Planning Authorities*' requires planning authorities to '*secure a greater mix of building heights and typologies in planning for the future development of suburban locations*'. The proposed development aligns with this requirement as it provides one & two-bedroom units in an area dominated by semi-detached and terraced housing while its five-storey construction contributes to a greater mix of building heights.
- The massing and height of the proposal has sought to achieve a balance between optimising the development potential of the site and the delivery of a design that maximises the quality of open space, daylight, sunlight & aspect etc.
- The arrangement of solid brick core blocks and open-sided galleries not only maximises the number of dual aspects and naturally ventilated units, but also has benefits over the typical internal corridor plan. The external decks provide

for better ventilation, opportunities for social interaction, and increased passive surveillance of outdoor spaces.

- The design and finish of the public-side elevations modulates the repetitive nature of the access decks and achieves a level of visual interest that enhances the elevations over and above that of a uniform grid of columns and beams.
- Architecturally, the proposed design breaks down the overall scale of the construction into distinct parts, each with its own characteristics.
- The built form and architectural treatment serve to distinguish between the 'solid' brick-clad elements at either end of the 'elbow' between the L-shaped range that overlooks the public space to the west and the eastern terrace that forms the backdrop to the proposed 'homezone' street.
- The form, massing, height and elevational treatments have been carefully considered to achieve an optimum balance between the relationship of the proposed development to its neighbouring and immediate context and proposed future development within the locality, as well as national policy as expressed in the '*Urban Development and Building Height, Guidelines for Planning Authorities*' and the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities*'.
- The development includes for 1,667m<sup>2</sup> of high quality public open space which equates to 18.52% of the site area (almost twice the minimum 10% required).
- The Planning Authority has sought the provision of 0.37 Ha of public open space based on the population equivalent of the development, however, this would equate to 41% of the site area and is completely unsustainable in aiming to provide for compact cities.
- The Planning Authority is of the opinion that the development is too high, however, if the building height were to be reduced in combination with the provision of 41% of the site as public open space (for the reduced P.E.), this would result in a completely underdeveloped, unsustainable development.

- The open space has been positioned at the front of the site onto Porterstown Road so that it can be considered as 'public' space accessible to the wider community. It is highly usable and provides an attractive frontage to the scheme.
- An additional 1,662m<sup>2</sup> (18.44% of the site area) of communal open space is to be provided. Therefore, the proposal provides for 37% of the site area as open space which must be considered as affording a high quality of amenity to future residents.
- The scale of the playground sought by the Parks Dept. is entirely disproportionate and would negatively impact on the usability of the remaining public open space.
- In reference to the provision of play spaces for teenagers, the scheme proposes one & two-bedroom apartments and is intended as an alternative to the predominance of 3 / 4 bedroom dwellings in the wider area (and to address the dearth of this unit type as required by the NPF). The proposal is thus focused on addressing the need for one / two-bedroom homes which will predominantly cater for single people, couples, and younger families. In this regard, it must be accepted that it should not always be necessary to provide dedicated facilities for a cohort that is unlikely to live in the particular scheme.
- The protection of the hedgerow and tree line along the northern site boundary was considered throughout the design process and detailed mitigation provided accordingly.
- The proposed development can be achieved with minimal change to the outward appearance of the site and in the context of the northern boundary, the Arboricultural Impact Assessment states that this results from the effective retention of most (with the exception of 3 No. ash trees) of the northern boundary vegetation.
- Both the Ecological Impact Assessment and the Arboricultural Impact Assessment detail that a bespoke design has been adopted to ensure the protection of the northern boundary whereby a modular retaining wall will be positioned to the south. This will allow for the creation of the required structure with minimal trespass into the tree protection zones (please refer to the tree

protection plan). This technique will allow for the retention of the entire hedge line, much of the scrub thicket, and most of the ash trees.

- The hedgerow along the northern boundary will be supplemented with native planting and operational phase impacts on this hedgerow have been determined as negligible.
- In the context of the 3 No. ash trees proposed for removal, although 'ash decline' (ash dieback) appears to be limited in the locality at present, it is widespread in other areas and some of the site's trees show signs that may be symptomatic of the disease.
- In the event the Board considers further mitigation necessary in the context of the northern site boundary, the applicant has investigated the provision of parallel parking in lieu of the perpendicular parking. This will reduce the provision to 43 No. spaces and will move the parking and retaining wall a further c. 2.5m back from the northern boundary. A tree protection fence can also be provided within 200mm of the retaining wall. These measures will adequately protect the hedgerow and trees on site and achieve an appropriate balance between the need to retain green infrastructure and the provision of new homes.
- The revised parallel parking arrangement will allow for the retention of 2 No. of the 3 No. ash trees originally proposed for removal as well as the retention of an extra 2.5m of herb layer and 2 No. other trees.
- The 'Daylight & Sunlight' report details that 82.5% of all rooms will meet the 2% (Living / Kitchen / Dining) and 1% (Bedrooms) ADF guideline figures. When taken as a whole, these figures are in excess of the international environmental assessment daylight standards of both BREEAM (80%) and LEED (75%) for the award of an environmental credit for daylight. Until recently, industry figures worked with a 1.5% / 1 % ADF target as it was more representative for apartments. Using those figures, the proposed development would see 96.8% of all rooms meeting the traditional industry target.
- Objective DMS50 of the Development Plan aims to *'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 1 2008: Code of Practice for Daylighting or other updated relevant documents*. The recommendations in the BRE guide are 'guidelines' and the development has shown due regard for this statement in that the scheme is in line with the BRE Guidelines. Where the proposal does not 'fully' meet the guidelines, alternative compensatory design solutions have been utilised. Therefore, the proposal complies with Objective DMS30.

This approach derives from the '*Urban Development and Building Height, Guidelines for Planning Authorities*' and the '*Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities*' and has been widely accepted to date. Both documents state that '*where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives*'. In this regard, Section 5.3 of the Daylight and Sunlight Assessment details the compensatory design solutions as including:

- Balcony positions;
- Glazing areas;
- Floor to ceiling heights; and
- Site layout and building heights

It should also be noted that the proposed unit sizes all exceed the minimum standards while 55% of the private amenity spaces exceed the minimum requirement.

Accordingly, the proposed development is considered a high performing scheme when taking account of the foregoing and the results of the Daylight & Sunlight study.

- In response to the suggestion by the Planning Authority that the surface level car parking dominates the site layout, it is submitted that basement level

parking is not viable for a 99 No. unit scheme and as such cannot be provided if affordable homes are required.

- The site layout aims to minimise the visual impact of the parking. The car parking has been split across the site and is akin to 'street parking' common to housing estate development. Moreover, the linear nature of the site aids in minimising the visual impact of the parking as it sits side-by-side with the roadway while the use of high-quality landscaping will also break up the hard landscaped areas. In addition, the amended proposal to reduce parking provision will minimise any perceived impact.
- With respect to the concerns of the Parks Dept. that the car parking adjacent to the public open space could block the view of passing motorists, it is common for parking spaces to border open spaces in housing schemes. In any event, the proposal to fence off the play area from the car parking provides for an extra layer of safety / security.
- The proposed development includes for a 2m wide footpath along its boundary with Porterstown Road where there is none at present. This is based on the guidance of the Design Manual for Urban Roads and Streets but is also cognisant of the impact on the existing trees along the boundary which are to be maintained. Taking the former into consideration, the proposed footpath has been set back 0.1m - 0.27m from the edge of the existing carriageway to allow its widening as much as possible without impacting on the existing trees (thereby providing a minimum carriageway width of 5m along the site boundary). Although the Planning Authority has indicated a preference for a 5.5m - 6.0m wide carriageway, this would have a negative impact on the existing trees. Consideration must also be given to the status of the road in the context of DMURS with the traffic surveys showing that Porterstown Road experiences very low traffic volumes and low speeds meaning it operates more as a local street and thus a 5m width is appropriate. It is also of note that the pinch-point at Kennan Bridge is unlikely to be feasible for widening.
- Consideration must be given to the DART+ West proposal which will see the removal of the vehicular level crossing on Porterstown Road. This will result in

a reduction in traffic volumes and the status of Porterstown Road. Therefore, widening of the road would be premature and contrary to the guidance set out in DMURS.

- In relation to cycle facilities, traffic surveys would indicate that a shared facility would be appropriate for Porterstown Road and that there is no need for a segregated cycle lane (based on guidance from the National Cycle Manual).

With daily traffic volumes of less than 800 No. vehicles and 85<sup>th</sup> percentile speeds of just over 30kph, a shared street is appropriate in this instance. In the context of the DART+ West proposals, traffic volumes and speeds will be further reduced making a shared street the preferred option.

- The existing and proposed carriageway width of Porterstown Road will help provide a safer low speed environment for road users and will be complemented by the footpath along the development boundary.

## 6.2. Planning Authority Response

- The design and scale of the proposed development has not taken due cognisance of the site context. Due to the extent of the elevations proposed, with particular reference to the northern and southern elevations, and to the lack of variation in building height and materials, the proposal will be visually dominant from a number of vantage points. While the Clonsilla Urban Centre Strategy envisaged the site as being capable of accommodating buildings of up to five storeys in height, this was on the basis that the building heights would be reduced at sensitive locations proximate to existing development. In this regard, it is submitted that the proposal would benefit from being stepped down to address the residential and visual amenities of the dwelling to the southeast, existing development on Porterstown Road, and 'The Courtyard' to the north.
- Due to the reduced car parking proposed, the development will be reliant on sustainable modes of transport and, therefore, it is of critical importance that efficient and direct walking & cycling routes to the Clonsilla & Coolmine train stations, as well as surrounding bus routes, be provided. In this regard, the proposal has failed to provide the necessary pedestrian and cycle connectivity through the site. Furthermore, the interaction of the site with the DART+ West

scheme and the proposed Royal Canal Greenway has not been addressed and the proposal could potentially prejudice the delivery of these key infrastructure projects.

- The proposed development will be visually obtrusive and overbearing relative to the adjoining property to the southeast owing to the limited separation distance and the overall mass & bulk of the construction.
- The first floor south-facing balconies will overlook the adjacent dwelling to the southeast and its garden area. Increased separation distances are also required to address the residential amenity of 'The Courtyard' apartment scheme to the north / northeast of the site.
- Having regard to the potential inward overlooking of residential units and non-compliance with the standards required for daylight & sunlight, the proposal fails to provide a satisfactory standard of amenity for future residents.
- The proposal fails to provide for sufficient open space in terms of design quality and layout. The playground is inadequate for the scale of development proposed and does not comply with Objective Nos. DMS75 & DMS76 of the Development Plan.
- The layout of the car parking and landscaping does not allow for the adequate protection of local biodiversity pursuant to Objective NH27 of the Development Plan nor does it allow for the sustainable retention of the trees and hedgerow along the site boundary in accordance with Objective DMS80.
- The proposed development is contrary to the Fingal County Development Plan, 2017-2023, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*, and the proper planning and sustainable development of the area.
- In the event of a grant of permission, a financial contribution should be imposed in line with the general development contribution scheme.

### 6.3. Observations

- 6.3.1. A total of 33 No. observations have been received from interested parties and, therefore, in the interests of conciseness, and in order to avoid unnecessary



repetition, I propose to broadly summarise the key issues raised under the following headings:

6.3.2. The Principle of the Development:

- The proposed development is premature pending the completion of a masterplan as required by the land use zoning.
- The proposal is premature by reference to the finalisation of the DART+ West project and the layout for the Porterstown Road pedestrian bridge crossing.
- The development is premature pending the preparation of the Clonsilla Urban Strategy as required by the Development Plan.
- The proposal is premature pending the outcome of consultations for the new Fingal County Development Plan.
- Concerns as regards the wider sustainability and social implications associated with high-rise development.
- Affordability issues etc. in the context of the wider housing market.

6.3.3. Design, Scale, Height and Layout Considerations:

- The inappropriateness of the overall scale, height and design given the site context.
- The proposal is out of character with the surrounding pattern of development which is predominantly characterised by low-level, low density family dwellings and cottages.
- The proposal is at odds with the wider character and heritage of Clonsilla Village.
- The development will fundamentally alter the rural / village character of the surrounding area.
- There is no comparable planning precedent locally for the type of development proposed.
- The density of the proposal is excessive and at variance with the established pattern of development.

- The five-storey construction contravenes the Development Plan and, more specifically, the Clonsilla Urban Centre Strategy, 2008 which refers to a maximum building height of three-storeys.
- The 'Windmill' development to the west of Diswellstown Road is not within the Clonsilla village boundary and cannot be used as a precedent to justify the scale of the subject proposal.
- The potential for artificial lighting to 'militarise' the canal area with a permanent loss of amenity value.
- Overdevelopment of the site.
- The inadequate assessment of the proposal as per the '*Urban Development and Building Height, Guidelines for Planning Authorities, 2018*'.
- The absence of an urban design assessment pursuant to Section 2.9 of the '*Urban Development and Building Height, Guidelines for Planning Authorities, 2018*'.
- The inadequacy of the open space provision (both qualitatively and quantitatively) and the play & recreational facilities.
- The detrimental visual impact which will permanently alter the skyline and the failure to integrate with the broader character of Clonsilla village.
- The refusal of permission for a comparable high rise, high-density development on the site of the 'Old Schoolhouse' further west under ABP Ref. No. ABP-309622-21.
- Prejudicial to the future development of adjoining lands.
- The nature of the development / housing mix and the absence of any three-bedroom units.

#### 6.3.4. Impact on Residential Amenity:

- The design, scale, height and massing of the development will dwarf / overwhelm the single-storey cottage to the immediate southeast.
- The proposal will be visually obtrusive and overbearing in appearance.

- Overlooking of neighbouring properties to the north, south and west with an associated loss of privacy.
- Loss of amenity by reason of increased noise, nuisance & general disturbance.
- The security of neighbouring properties / lands will be compromised as a result of the proposed development.
- Overshadowing / loss of sunlight / daylight.
- The devaluation of property attributable to a loss of amenity.
- Disturbance / disruption etc. during the construction phase.
- Deficient / substandard levels of amenity for future residents of the scheme, with particular reference to the indication that only 80% of the units will accord with the applicable sunlight / daylight code of practice (noting that the study provided with the application is based on outdated provisions).

#### 6.3.5. Traffic & Transportation:

- The inadequacy of the surrounding road network (with particular reference to Porterstown Road) to accommodate the increase in traffic.
- The potential for increased traffic congestion (during both the construction and occupied phases), particularly at the junction of Porterstown Road / Clonsilla Road during peak hours and at school drop-off / collection times.
- The risk to pedestrian / traffic safety, with particular reference to school children, during the construction works.
- The further exacerbation of traffic congestion in the area following closure of several vehicular level crossings in the area, including that on Porterstown Road, as part of the DART+ West Project.
- Notwithstanding the emphasis placed by the developer on the use of bicycles by residents of the scheme, there is a broader lack of cycling infrastructure in the area, with particular reference to the absence of cycle lanes along both Porterstown Road & Clonsilla Road and the unsuitability of the existing canal towpath / pathway for cyclists.

- The unsuitability of the proposed access arrangements given the limited road width and the potential for conflicting traffic movements.
- The inadequacy of the sightlines available at the proposed entrance onto Porterstown Road.
- Non-compliance with the Design Manual for Urban Roads and Streets.
- The failure to provide for any pedestrian / cycle connectivity between the development and Diswellstown Road.
- Poor connectivity to both Clonsilla & Coolmine Rail Stations via the canal bank which is not necessarily the most inclusive or safest access route.
- Uncertainty as regards the timeline for the implementation and completion of DART+ West and other improvements to public transport in the area.
- The historic failure to provide for improved infrastructure (e.g. public transport, cycle lanes, car parking etc.) in tandem with the growth of the surrounding area.
- The exacerbation of the current difficulties experienced in accessing the neighbouring dwelling to the southeast due to traffic queuing at the level crossing.
- The closure of the vehicular level crossing as part of the DART+ West Project will exacerbate traffic congestion in the locality.
- The DART+ West Project has yet to receive approval and there are no guarantees of its implementation given the wider traffic concerns associated with the project.
- The lack of bicycle storage sheds.
- The inadequacy of local bus services and an oversubscribed train service.

#### 6.3.6. Car Parking:

- The significant shortfall and inadequacy of the on-site car parking provision and the potential for the overflow of residents / visitors parking into neighbouring housing areas.

- The likelihood of increased traffic congestion and the obstruction of road users (including emergency services) as a result of haphazard on-street car parking attributable to the proposed development.
- Inadequate provision for disabled parking and the charging of Electric Vehicles.

6.3.7. Impact on Built Heritage:

- Inadequate consideration has been given to the impact of the proposal on the Royal Canal as a local amenity.
- The design of the scheme has failed to consider the impact on nearby protected structures and features of built heritage interest.
- The demolition of an existing dwelling / cottage of built heritage interest which has been requested for inclusion as a protected structure.

6.3.8. Biodiversity, Wildlife and Natural Heritage Considerations:

- The proposed development will have a detrimental impact on biodiversity, wildlife and natural heritage considerations both on site and beyond, including locally important / ecological significant habitats, hedgerows, assorted flora & fauna, protected species (e.g. birds, bats, badgers etc.), and the Royal Canal Proposed Natural Heritage Area as well as the canal itself.
- The proposal will have a negative impact on the '*River Valleys and Canal*' landscape character type which has been designated as 'Highly Sensitive' in the Development Plan.
- The Fingal County Development Plan, 2017-2023 refers to the importance of an ecological network, including Nature Development Areas, with these areas having been identified not solely for protected habitats and species but for their existing wildlife value (or potential wildlife value). The location suggested for a nearby residential development at the Old Schoolhouse to the west of the site has been identified as a Nature Development Area given its wildlife value.
- The historical and ecological importance of the Royal Canal (including the 'Deep Sinking').

- The need for proactive tree protection measures in line with the Fingal Tree Strategy.

#### 6.3.9. The Adequacy of Local Services:

- Many of the local schools are oversubscribed and lack the capacity to accommodate additional enrolments.
- There has been no assessment of the impact of the proposed development on school resources.
- The proposed development will place increased pressure on the already limited childcare services available in the area.
- Wider deficiencies in supporting services, such as healthcare.
- Consideration should be given to the reservation of the subject lands for a football pitch, community centre, or low density housing.
- The lack of public parks, shopping, community resources and adequate emergency services cover.

#### 6.3.10. Other Issues:

- The unavailability / lack of fire appliances with rescue ladders of sufficient height to reach high-rise developments.
- The inadequacy of the public notices with the result that the planning application should be declared invalid.
- The inadequacy of the flood risk assessment and historical surface water issues / flooding on Porterstown Road.
- The need for additional lifts in the apartment block.
- Concerns as regards the capacity of the foul sewer network to accommodate the proposed development.
- The potential for a rise in anti-social behaviour.
- The detrimental impact on the existing canal greenway as an amenity.
- The nature of the development is geared towards a transient / rented population as opposed to families which does not encourage a sense of community.

- Air quality impacts arising from increased traffic etc.
- The need for further consideration to be given to the noise levels likely to be experienced in the upper-level apartments due to the proximity of traffic travelling along Dr. Troy Bridge / Diswellstown Road.

#### 6.4. Further Responses

None.

### 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- The development framework for the area
- Overall design and layout
- Impact on residential amenity
- Traffic & transport considerations
- Impact on built heritage
- Ecological / biodiversity considerations
- Appropriate assessment

These are assessed as follows:

#### 7.2. The Principle of the Proposed Development:

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as '*RS – Residential*' with the stated land use zoning objective to '*Provide for residential development and protect and improve residential amenity*' and that residential development is '*permitted in principle*' within such areas pursuant to Section 11.8: '*Zoning Objectives, Vision and Use Classes*' of the Fingal County Development Plan, 2017-2023. Furthermore, I would draw the Board's attention to Chapter 2: '*Core Strategy and Settlement Strategy*' of the Development Plan and the designation of Clonsilla as a

*'Consolidation Area'* within the Metropolitan Area wherein the stated policy approach is to gain the maximum benefit from existing transport, social and community infrastructure through the continued consolidation of the city and its suburbs with future development to occur in a planned and efficient manner utilising opportunities to achieve increased densities where appropriate. By extension, Objective SS15 of the Plan aims to strengthen and consolidate the existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services while Objective SS16 seeks to examine the possibility of achieving higher densities in urban areas adjoining the city where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

7.2.2. Accordingly, I would suggest that the subject site comprises a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas as per Ministerial guidance (including the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'*, the *'Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2020'* & the *'Urban Development and Building Height, Guidelines for Planning Authorities, 2018'*) provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to *'increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'*.

7.2.3. Therefore, having considered the available information, including the site context and land use zoning, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties.



### 7.3. The Development Framework for the Area:

- 7.3.1. A key element of the county settlement strategy is to promote the consolidation and sustainable intensification of the existing urban / suburban built form thereby maximising efficiencies from established physical and social infrastructure. Therefore, in seeking to ensure a co-ordinated and plan-led approach to the development of Clonsilla Village as a key growth node within the '*Consolidation Area within the Gateway*', it is of particular relevance to note that the development strategy set out in Section 4.2: '*Metropolitan Area: Clonsilla Village*' of the Development Plan includes a specific requirement under Objective Clonsilla 1 to '*Prepare an Urban Framework Plan to guide and inform future development*' within the village. In this regard, I would refer the Board to Section 3.2: '*Sustainable Communities*' of the Plan which states that the provision of housing in Fingal must be in line with the National Planning Framework's and the Regional Spatial and Economic Strategy's population projections and, more notably, that '*development will only be permitted on lands where there is a development framework, such as a Local Area Plan or a Masterplan, in place*' (with this policy resulting in a natural phasing of land i.e. those lands with a framework will be available for development before those without). Although the foregoing provision does not expressly reference Urban Framework Plans, in my opinion, the wording of the paragraph would seem to imply that the definition of a 'development framework' is to be interpreted as including 'Urban Framework Plans'. Further elaboration on the preparation and purpose of these Urban Framework Plans is subsequently provided with their content to include a vision for the centre in question, the identification of areas where there is potential for change, development opportunities, provision for improved access to public transport, a framework for urban design, and the integration of natural heritage and biodiversity where appropriate. They are described as advisory with a long-term vision for the future which will allow sufficient flexibility to manage the changing circumstances of society, economy, environment, and culture, while Objective PM19 states that the plans will indicate the broad development parameters for each site and take cognisance of permitted developments and any potential environmental impacts. Procedurally, these Urban Framework Plans are to be developed in consultation with local communities, landowners and other relevant stakeholders,

before being presented to the Elected Members of the Planning Authority for agreement.

7.3.2. With respect to the foregoing, concerns have been raised that the subject proposal would be premature pending the preparation of an Urban Framework Plan in accordance with Objective Clonsilla 1 and that any grant of permission could potentially prejudice the compilation of such a framework plan and give rise to uncoordinated and piecemeal development. In this regard, I would advise the Board that an 'Urban Framework Plan' for Clonsilla has yet to be prepared and thus the proposal could be held to be premature in this context. This would find support by reference to the inclusion of Clonsilla in Table 2.19: '*List of Proposed Framework Plans*' of the Draft Fingal County Development Plan, 2023-2029 and the following draft policy provisions:

- Policy CSP9: Prepare Framework Plans as required for identified areas to facilitate a co-ordinated approach to development;
- Policy CSP10: Prepare Framework Plans for areas designated on Development Plan maps in co-operation with relevant stakeholders, and actively secure the implementation of these plans and the achievement of the specific objectives indicated therein; and
- Objective SPQHO16: Prepare Framework Plans where outlined in Chapter 2, liaising closely with landowners, developers, Elected Members and other relevant stakeholders (which may include local community and voluntary organisations (e.g. Residents' Associations and Tidy Towns groups). These documents shall indicate the broad development parameters for each site and take cognisance of permitted developments and any potential environmental impacts.

7.3.3. Section 7.16.1: '*Premature Development*' of the '*Development Management, Guidelines for Planning Authorities, 2007*' provides that, in general, prematurity arises where there are proposals to remedy an identified deficiency, although if there are no such plans to remove the constraints within a reasonable period, then this form of wording should not be used as a reason for refusal. More specifically, it states that should a development be considered premature because of a commitment in a development plan to prepare a strategy, Local Area Plan or

framework plan not yet completed, prematurity should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated timeframe. This is of relevance in the context of the subject proposal given that Objective Clonsilla 1 of the Development Plan clearly provides for the provision of an Urban Framework Plan to guide and inform future development. Furthermore, should an Urban Framework Plan for Clonsilla not be completed within the remaining lifetime of the current Plan, provision has been made for the preparation of an UFP in the Draft Fingal County Development Plan, 2023-2029.

- 7.3.4. At this point, I would refer the Board to the Clonsilla Urban Centre Strategy, 2008 wherein the subject site is shown as forming part of a larger landbank identified as ‘*Opportunity Area No. 5*’ (in conjunction with the adjoining lands to south / southeast alongside the Royal Canal) where the predominant land use is anticipated to be residential with a small quantum of mixed use adjacent to the pedestrian links leading eastwards (it is also stated that a crèche will be required). Section 10.6 of this Strategy outlines the broad parameters for the future development of these lands and notes that the area is somewhat distant from the village core and is of such a size that it could set its own scale and density (with particular reference being made to the substantial scale of the Diswellstown Road as it rises to cross the Canal and Railway and the desire that new buildings on this edge should respond to that scale). Further considerations include the need for new construction to respond to the large open area and significant vegetation alongside the Canal where buildings should be of a more substantial scale; the proximity of the rail station and the suitability of the lands for mixed apartment and housing use with houses best located at the northern interface with existing housing; the absence of a strong village context which frees the architectural designer and affords the opportunity for a high standard of contemporary architectural design (e.g. distinctive building forms will be suited in the south-eastern corner alongside Diswellstown Road to signal the crossing of the Canal and railway); building heights of five storeys to be considered along the eastern and southern frontages with a scaling down to three storeys on the Porterstown Road and two-storeys at the interface with existing residential development; a requirement that car parking be provided underground or at undercroft level; and the need for a well-lit and high quality pedestrian / cycle link to be provided under Diswellstown Road to the open space further east. The Strategy

also includes conceptual site layouts illustrating the anticipated land uses and building heights while Appendix 2 sets out an '*Indicative Development Capacity*' for Opportunity Site No. 5 (Area: 2.0705 Ha, Density: 51 No. units per hectare) with a combination of one & two-bedroom apartments and three-bedroom houses totalling 106 No. units.

7.3.5. While I would accept that the Clonsilla Urban Centre Strategy, 2008 may serve as a broad guide to inform the future development of the village, it must be acknowledged that this is a document which is increasingly outdated and which has been superseded in several respects by policy developments at both a local and national level, including the current County Development Plan and Section 28 Ministerial Guidance. For example, the Strategy was prepared under the auspices of the Fingal County Development Plan, 2005-2011 (pursuant to Objective UO2 of said Plan), however, that Plan was replaced by the Fingal County Development Plan, 2011-2017 which in turn has been superseded by the current the Fingal County Development Plan, 2017-2023. Notably, although it was an objective (Objective UC09) of the previous Fingal County Development Plan, 2011-2017 to implement the Clonsilla Urban Centre Strategy, no such provision is included in the current Development Plan which instead contains a specific requirement under Objective Clonsilla 1 to '*Prepare an Urban Framework Plan to guide and inform future development*' while the Draft Fingal County Development Plan, 2023-2029 also refers to the preparation of an UFP. This would lend weight to the supposition that the Clonsilla Urban Centre Strategy, 2008 is outdated and in need of replacement.

7.3.6. In addition to the foregoing, it is of relevance to note that there is some degree of conflict between the Clonsilla Urban Centre Strategy, 2008 and current national policy. In this regard, the Strategy references the low density and low building heights within Clonsilla and the difficulties in achieving higher densities without impacting negatively on the character and form of the village. It subsequently states that densities in the order of 40-50 No. units per hectare could be achieved without adverse visual effect (as reflected in the '*Indicative Development Capacity*' figures). In contrast, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' would favour higher densities with minimum net densities of 50 No. dwellings per hectare along public transport corridors (given the site location proximate to the rail line).

7.3.7. In terms of building height, Section 10.6: ‘*Opportunity Area No. 5*’ of the Strategy allows for consideration of building heights of up to five storeys in places, however, this is contradicted in part by Objective Clonsilla 2 of the current Development Plan which aims to ‘*Develop key sites within the village for mixed use including a residential component to enhance the viability and vitality of the village while ensuring new developments do not exceed three storeys*’. This latter limitation on building height also pre-dates the ‘*Urban Development and Building Heights, Guidelines of Planning Authorities, 2018*’ which advocates a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility.

7.3.8. Further credence is lent to the need to prepare an up-to-date Urban Framework Plan in line with Objective Clonsilla 1 of the Development Plan given the increasingly outdated nature of the Clonsilla Urban Centre Strategy, 2008 by reference to the amended, additional and / or clarified policy provisions relevant to both Clonsilla Village and the application site included in the current Development Plan. In this regard, and for comparison purposes, I would draw the Board’s attention to the following revisions in local planning policy pertinent to the lands identified as ‘Opportunity Area No. 5’ in the UCS (of which the subject site forms part), although this list is not exhaustive:

- Clonsilla Urban Centre Strategy, 2008:
  - Land Use Zoning: SC: ‘To protect and enhance the special physical and social character of major suburban centres and provide and / or improve urban facilities’ (as per the Fingal Development Plan, 2005-2011).
  - The provision of a pedestrian link between the north-eastern corner of the site and Diswellstown Road.
  - The provision of a possible cycleway / walkway along the southern boundary of the opportunity area adjacent to the Royal Canal passing under Diswellstown Road to link with the open space to the east.

- Fingal County Development Plan, 2017-2023:
  - Land Use Zoning: RS – Residential: ‘Provide for residential development and protect and improve residential amenity’.
  - The inclusion of a Specific Objective showing an Indicative Cycle/Pedestrian Route passing along northern site boundary between Porterstown Road and Diswellstown Road (with an offset route continuing eastwards beyond Diswellstown Road and through the ‘Widnmill’ development).
  - The inclusion of a Specific Objective showing an Indicative Cycle/Pedestrian Route along the length of Porterstown Road to the east of the site.
  - The inclusion of the National Transport Authority’s Greater Dublin Area Cycle Network Plan with a route (Fingal: PSG Network) passing along the southern boundary of the opportunity area alongside the Royal Canal and under Diswellstown Road.
  - The inclusion of the National Transport Authority’s Greater Dublin Area Cycle Network Plan with a route (Fingal: Base Cycle Network) passing to the east of the lands along Diswellstown Road.
  - Objective GIM10 which seeks the development of the Royal Canal as a significant public amenity while protecting its natural and built heritage.
  - The provision of a Light Rail Corridor to the east of Diswellstown Road and an Indicative Light Rail Stop at Porterstown to the southeast (*N.B.* This infrastructure was to have formed part of Metro West, however, that project has been excluded from the National Transport Authority's Transport Strategy for The Greater Dublin Area, 2016-2035 and the Draft GDA Transport Strategy, 2022-2042).
  - Objective Clonsilla 2: Develop key sites within the village for mixed use including a residential component to enhance the viability and vitality of the village while ensuring new developments do not exceed three storeys.

- Objective Clonsilla 3: Require that new development in the village optimises the Royal Canal, where appropriate and possible, as a local heritage resource and public amenity, while protecting its character and biodiversity as a waterway.
- Objective Clonsilla 5: Secure lands adjacent to the Royal Canal for environmentally friendly and sustainable public access and public open space.
- Objective Clonsilla 6: Create a network of pedestrian and cycle routes between Clonsilla, the Royal Canal and the adjacent railway stations; and a connection from the 'Windmill' residential development to Dr. Troy Bridge and a new Light Rail Corridor stop.
- Objective Clonsilla 7: Develop a linear pedestrian / cyclist link between Clonsilla and Porterstown Stations via open space lands.

7.3.9. Other recent policy developments / projects that are of direct relevance to the assessment of the subject application include the Royal Canal Urban Greenway (a proposed high quality Greenway route which will serve Castleknock, Blanchardstown, Clonsilla, Coolmine and the wider Dublin 15 area) and the DART+ West project (which includes for the electrification and re-signalling of the Maynooth and M3 Parkway lines). Notably, the preferred option for the DART + West project has completed its second phase of public consultation with a view to informing the design development of the project and the submission of a Railway Order application to the Board. This preferred option includes for the closure of the existing Porterstown Road level crossing and its replacement with a new pedestrian / cycle bridge which will in turn necessitate the provision of a mini-roundabout at the end of a new cul-de-sac on Porterstown Road with the works encroaching into the development site. Although the project has yet to receive formal approval, the drawings detailing the proposed closure of the Porterstown level crossing etc. show a new two-way access serving Opportunity Area No. 6 (the 'Old Schoolhouse' identified in the Urban Centre Strategy), however, no provision has been made for a similar arrangement to access the subject site or the wider landbank encompassing Opportunity Area No. 5 (the relevant drawings only show the realignment of the existing entrance serving the cottage on site and the adjacent dwelling house).

- 7.3.10. In my opinion, the changes in planning policy at both local and national level since the publication of the Clonsilla Urban Centre Strategy, 2008, the clear intention of the current and draft development plans to prepare a new Urban Framework Plan to guide and inform development in the village, and recent developments with respect to the DART+ West Project and the Royal Canal Greenway, all serve to support the contention that Clonsilla Urban Centre Strategy is outdated and that the proposed development would be premature pending the preparation of an Urban Framework Plan for Clonsilla.
- 7.3.11. In addition to the foregoing, I would have serious reservations as regards the implications of the subject proposal for the future coordinated development of the wider landbank identified as 'Opportunity Area No. 5' in the Clonsilla Urban Centre Strategy. In this regard, it must be noted that the application site does not encompass all of the lands zoned for residential development at this location and, therefore, cognisance must be taken to the need to avoid prejudicing the future development of the adjacent zoned lands to the immediate southeast while also considering the potential impact of any such development on the amenity of the subject scheme. This is of particular relevance given the specifics of the site context and the zoning provisions.
- 7.3.12. In the first instance, there will be a need to ensure that vehicular access to the remainder of the zoned lands can be obtained from Porterstown Road (given the level difference with Diswellstown Road), however, as the submitted site layout is not conducive to such an arrangement (and noting that the applicant may not be amenable to such a proposal), the only remaining option would be to access the adjacent development lands via a second direct access from Porterstown Road. Such a scenario is unlikely to be the preferred option in terms of ensuring coordinated development given that it will involve the laying of an access road through lands zoned for open space alongside the canal and the opening of another junction onto the mini-roundabout proposed as part of the DART+ West works.
- 7.3.13. Further concerns arise as regards the relationship between the subject proposal and any future development on the adjacent lands from an amenity and design perspective. More specifically, given that the adjoining lands will likely be suited to high density apartment development, there will be a need to ensure that there is adequate separation between opposing residential blocks in order to avoid



detrimentally impacting on the residential amenity of the occupants of units, particularly in terms of overlooking and overshadowing. In this regard, difficulties may arise due to the building heights involved (noting that the Clonsilla Urban Centre Strategy, 2008 advocates taller buildings in the south-eastern corner of the Opportunity Area adjacent to Dr. Troy Bridge / Diswellstown Road) and the potential for overlooking, particularly where balconies are proposed, and overshadowing of both apartment units and open space consequent on the siting of any development to the south of the subject proposal.

- 7.3.14. The issue of permeability and integration with the surrounding area and the open space planned alongside the Royal Canal also requires consideration. Objective Clonsilla 5 of the Development Plan aims to secure the lands adjacent to the Royal Canal for environmentally friendly and sustainable public access and public open space, however, the submitted design does not take cognisance of this objective and makes no provision for any direct access to this amenity should it be developed in the future (please refer also to Objective Clonsilla 3). Similarly, the applicant is not presently in a position to provide access from the site onto Diswellstown Road nor has provision been made for the Cycle / Pedestrian Route passing along the northern site boundary between Porterstown Road and Diswellstown Road which is a specific objective of the Development Plan. In effect, the proposed development will be self-contained and only accessible via the new access onto Porterstown Road. By extension, no provision has been made for any interconnection with the remainder of 'Opportunity Area No. 5' and thus any development on those lands to the southeast will also be deprived of a shortened access route onto Diswellstown Road. Therefore, I am inclined to conclude that the proposal fails to comply with Objective Clonsilla 6 of the Development Plan as regards the creation of a network of pedestrian and cycle routes between Clonsilla, the Royal Canal and nearby railway stations. In addition, it does not satisfactorily adhere to the key design principles of connectivity and permeability set out in the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities'* and the accompanying *'Urban Design Manual: A Best Practice Guide'*.
- 7.3.15. Having reviewed the available information, in my opinion, there is a need for a greater degree of co-ordination and integration between any development of the subject site, neighbouring lands, and the wider area. Given that the application site

forms part of a larger area zoned for residential development and comprises a significant extent of the undeveloped lands identified as 'Opportunity Area No. 5' in the Clonsilla Urban Centre Strategy, 2008, I would have concerns that to allow the subject proposal would result in a substandard, uncoordinated form of development which would set an undesirable precedent for similar non-integrated forms of development in the area. Furthermore, the proposal as submitted does not comply with the policies and objectives set out in the Clonsilla Urban Centre Strategy 2008 or the Fingal County Development Plan 2017-2023, would undermine the development potential of adjacent lands, and would prejudice the preparation of an Urban Framework Plan to guide and inform future development pursuant to Objective Clonsilla 1 of the Development Plan.

- 7.3.16. Therefore, in the absence of an up-to-date Urban Framework Plan for Clonsilla which takes cognisance of recent policy developments & projects at both a local and national level, or the development of a coherent and integrated strategy to include the adjoining lands to the southeast, it is considered that the subject proposal would lead to piecemeal development and would be premature by reference to Objective Clonsilla 1 of the County Development Plan and the preparation of an Urban Framework Plan to guide and inform the future development of Clonsilla.

#### **7.4. Overall Design and Layout:**

##### **7.4.1. *The Density of the Proposed Development:***

A key objective of the National Planning Framework: 'Project Ireland 2040' is the achievement of more compact and sustainable urban growth. In this regard, greatly increased levels of residential development in urban centres and significant increases in building heights and the density of development are not only to be facilitated but actively sought out and brought forward by the planning process and particularly so at local authority and An Bord Pleanála levels. Moreover, at least half of the future housing growth of the main cities is to be delivered within their existing built-up areas with a focus on reusing previously developed 'brownfield' land, building up infill sites, and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

- 7.4.2. With a view to achieving the objectives of the NPF, the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations such as along public transport corridors and within the inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, where there is the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Section 5.8 of the guidelines specifically states that increased densities should be promoted within 500m walking distance of a bus stop, or within 1km of a light rail stop or a rail station and that, in general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors.
- 7.4.3. The *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020'* further reiterate the need for increased housing supply and state that the scale and extent of apartment development should increase in relation to the proximity of core urban centres, while existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments. In this regard, the Guidelines provide a broad identification of the types of location in cities and towns that may be suitable for apartment development, including 'Central and/or Accessible Urban Locations' and 'Intermediate Urban Locations'.
- 7.4.4. Given the site location relative to the Dublin-Maynooth railway line with its commuter services, the proximity of Clonsilla Station c. 1.3km to the west and Coolmine Station c. 1.0km to the east ('as the crow flies'), the availability of local bus services (with particular reference to Route 37 from Diswellstown Road to the City Centre), the improvements planned to local public transport as part of the DART+ West project and the BusConnects programme, and noting the site location relative to local centres and employment opportunities (e.g. Clonsilla village, the Blanchardstown Shopping Centre and Retail Park, Blanchardstown Hospital, Blanchardstown IT, the National Sports Campus & the Coolmine Industrial Park), I am satisfied that the subject site is a suitable location for a higher density of development in principle.

- 7.4.5. In a local policy context, Objective PM41 of the Fingal County Development Plan, 2017-2023 aims to '*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*'. There are no specific residential density standards prescribed by the Plan and it instead states that in determining densities, regard should be had to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' and the companion document '*Urban Design Manual: A Best Practice Guide*'. It is further stated that as a general principle, it will be Council policy to promote higher densities at suitable locations such as along public transport corridors and in the main centres. Accordingly, the issue of material contravention does not arise.
- 7.4.6. Although the '*Indicative Development Capacity*' for 'Opportunity Site No. 5' set out in Clonsilla Urban Centre Strategy, 2008 suggests a density of 51 No. units per hectare at the site location, it should be emphasised that this is only an indicative figure. Moreover, I am cognisant that any development on site will have to be assessed in the context of current planning policy and in this respect the provisions of the Fingal County Development Plan, 2017-2023 and ministerial guidance (as already outlined) take precedence.
- 7.4.7. The subject proposal involves the development of 99 No. apartments on lands with a stated site area of 0.9 hectares which equates to a density of 110. No. units per hectare. For comparison purposes, ABP Ref. No. ABP-309622-21 at the 'Old Schoolhouse' to the west of the subject site proposed a density of 85 No. units per hectare while the grant of permission issued in respect of ABP Ref. No. ABP-306074-19 at the 'Windmill' site to the east of Diswellstown Road approved a net density of 125.5 No. units per hectare on the residentially zoned part of that site. In neither of those instances did the density proposed involve a material contravention of the Development Plan.
- 7.4.8. While I would acknowledge the historically lower density pattern of development in the surrounds of the application site, which is typically characterised by two / three storey suburban housing interspersed with some apartment development, and although the density proposed is considerably in excess of that indicatively suggested in the Clonsilla Urban Centre Strategy, 2008 for the entirety of Opportunity Site No. 5, in the context of current local and national policy which

promotes increased density on sites in proximity to public transport nodes / corridors within the Metropolitan area, I am satisfied that the density proposed is within acceptable limits.

#### 7.4.9. *Building Height:*

The 'Urban Development and Building Heights, Guidelines for Planning Authorities, 2018' aim to put into practice key National Policy Objectives of the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels. Furthermore, there is to be a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility.

- 7.4.10. The proposed development consists of the construction of a five-storey apartment block which will extend to an overall height of 16.515m across the full extent of a staggered building footprint. The design of the structure is such that the parapet level will be unbroken throughout the construction thereby maintaining a continuous height over the full building (save for the lift enclosures). Its broader configuration and positioning are largely in response to the irregular shape and elongated nature of the site with the westernmost 'leg' of the construction located further south and closer to the Royal Canal whereby it will overlook / front onto the lands zoned as 'Open Space' (which are to be secured as publicly accessible public open space pursuant to Objective Clonsilla 5 of the Development Plan). The longer eastern 'leg' of the building will be stepped back northwards with the result that its southern elevation will be orientated to face towards the intervening residentially zoned lands between it and the 'Open Space' alongside the canal.

- 7.4.11. Setting aside Objective Clonsilla 2 of the Development Plan which seeks to *'Develop key sites within the village for mixed use including a residential component to enhance the viability and vitality of the village while ensuring new developments do not exceed three storeys'*, Section 10.6 of the Clonsilla Urban Centre Strategy, 2008 offers some guidance on building heights at the subject location, although this pre-dates the presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility contained in the *'Urban Development and Building Heights, Guidelines of Planning Authorities, 2018'*. It includes a conceptual layout and building height strategy for the development of 'Opportunity Site No. 5' and allows for consideration of building heights of up to five storeys along the eastern and southern frontages with a scaling down to three storeys on the Porterstown Road and two-storeys at the interface with existing residential development.
- 7.4.12. The principle of greater building heights alongside the Royal Canal as well as fronting onto any intervening open space / parkland between the building and the canal has previously been accepted by the Board in its consideration of ABP Ref. Nos. ABP-309622-21 and ABP-306074-19 (to the west and east respectively). In this regard, while ABP Ref. No. ABP-309622-21 was ultimately refused permission, no concerns were raised by either reporting inspector or the Board with respect to the building heights concerned. In that instance, the developer sought permission for a series of four to seven storey 'Build-to-Rent' apartment blocks ranging from in height from 16m to 20m that would front directly onto the canalside towpath. To the east, the approval of ABP Ref. No. ABP-306074-19 allowed for the construction of a five to eight storey apartment development (the 'Windmill' scheme) with the increased building heights allowing for a landmark visible from Diswellstown Road and the Greenway.
- 7.4.13. In my opinion, Opportunity Site No. 5 can accommodate a five-storey development alongside the Royal Canal and its future linear park, however, the difficulty with the subject proposal is that the application site does not encompass the wider developable landbank i.e. it excludes those lands to the southeast. This has the effect of requiring the proposed building to 'step' back to follow the shape of the application site with the result that the broader extent of the development will not directly address the canal or the lands zoned as 'Open Space'. In my opinion, this is

problematic in two respects. Firstly, concerns arise as regards the impact on the development potential of the adjacent lands to the southeast (which 'front' the amenity lands) thereby reiterating the need for an integrated and coordinated developmental approach to the wider landbank. A related concern is that the exclusion of the lands to the southeast will also mean that there will be no graduated transition between the proposed development and the adjoining single-storey cottage. Secondly, the proposed five-storey block will be positioned closer to the existing 2-3 storey housing within 'The Courtyard' to the north and thus does not provide for a scaling down of building height at the interface with neighbouring residential development (as envisaged in the Clonsilla UCS, 2008) thereby causing concerns as regards the possible impact on residential amenity (overlooking, overshadowing & an overbearing appearance). Accordingly, in assessing the appropriateness of the building height proposed, cognisance must be given to the wider implications of the design proposed.

#### *7.4.14. Compliance with the Design Standards for New Apartments:*

It is necessary to consider the detailed design of the proposed apartment units having regard to the requirements of both local planning policy and *the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020'*. In this respect it is of particular relevance to note that where specific planning policy requirements are stated in the Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan. Therefore, in accordance with Section 3.0 of the Guidelines I propose to assess the subject scheme as regards compliance with the relevant planning policy requirements set out in the Guidelines in relation to the following:

- Apartment mix within apartment schemes
- Apartment floor areas
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage spaces
- Amenity spaces

- Aggregate floor areas / dimensions for certain rooms

#### 7.4.15. Apartment Mix within Apartment Schemes:

The proposed development provides for the construction of 46 No. one-bedroom and 53 No. two-bedroom apartments. In this respect, I am satisfied that the proposal achieves a suitable mix of unit sizes / types in accordance with Specific Planning Policy Requirement Nos. 1 & 2 of the Guidelines.

#### 7.4.16. Apartment Floor Areas:

It is a specific planning policy requirement of the Guidelines that the minimum apartment floor areas previously specified in the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2007*' continue to apply as follows:

- 1 bedroom apartment Minimum 45m<sup>2</sup>
- 2 bedroom (3 person) apartment Minimum 63m<sup>2</sup>
- 2 bedroom (4 person) apartment Minimum 73m<sup>2</sup>

In this respect, I would advise the Board that each of the proposed apartments has a stated floor area which is either equal to or exceeds the minimum requirements of the Guidelines.

#### 7.4.17. Dual Aspect Ratios:

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement that in more central and accessible and some intermediate locations (i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas), or where it is necessary to ensure good street frontage and subject to high quality design, the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33% whereas in suburban or intermediate locations the foregoing requirement is increased to 50%.

Given that all of the apartment units will be dual aspect due to the galley access arrangement, the proposal accords with Specific Planning Policy Requirement 4 of the Guidelines.



#### *7.4.18. Floor to Ceiling Height:*

The Guidelines state that floor-to-ceiling height affects the internal amenities of apartments (in terms of sunlight / daylight, storage space, and ventilation) and that this is of most significance at ground level where the potential for overshadowing is greatest, although it is also noted that ground level floor to ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, depending on location. Whilst it is acknowledged that the Building Regulations suggest a minimum floor to ceiling height of 2.4m, the Guidelines also state that from a planning and amenity perspective, applicants and their designers may consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7m where height restrictions would not otherwise necessitate a reduction in the number of floors. In relation to ground floors, it is a specific planning policy requirement (SPPR5) that ground level apartment floor to ceiling heights are a minimum of 2.7m and increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use.

From a review of the submitted drawings, it can be ascertained that the residential accommodation proposed at first, second, third and fourth floor levels of the five-storey apartment building will be provided with a floor to ceiling height of 2.7m. Furthermore, the ground floor level apartment units will be provided with a floor to ceiling height of 2.915m which exceeds the stated minimum requirement. Therefore, the proposed development accords with SPPR5.

#### *7.4.19. Apartments to Stair / Lift Core Ratios:*

Given the design & scale of the development proposed, the proposal satisfies the requirements of the Guidelines in this regard.

#### *7.4.20. Storage Spaces:*

The Guidelines state that apartment developments should include adequate provision for general storage and utility requirements in order to accommodate household functions such as clothes washing and the storage of bulky personal or household items. I would refer the Board to the minimum requirements for storage areas set out in Appendix 1 of the Guidelines as follows:

- One-bedroom apartment: 3m<sup>2</sup>

- Two-bedroom (3 No. person) apartment: 5m<sup>2</sup>
- Two-bedroom (4 No. person) apartment: 6m<sup>2</sup>

Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly provided within these rooms provided it is in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). The Guidelines also state that no individual storage room within an apartment should exceed 3.5m<sup>2</sup>.

From a review of the available information, including the floor plans and the floor areas provided, although some of the individual storage areas within Apartment Type 'J' (4 No. units) exceed 3.5m<sup>2</sup> (at 4m<sup>2</sup>) and there may be a marginal deficiency in clearly identifiable internal storage provision for Apartment Type 'B' (4 No. units) (which is addressed when taken in conjunction with the additional ground level storage space referenced below), in my opinion, these aspects are of little consequence in broader terms and I am satisfied that the proposal generally complies with the requirements of the Guidelines.

#### *7.4.21. Additional Storage:*

Section 3.32 of the Guidelines states that apartment schemes should provide for the storage of bulky items outside of individual units (i.e. at ground or basement level) given that secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful as it may be used for equipment such as bicycles, children's outdoor toys or buggies. However, whilst planning authorities are to be encouraged to seek the provision of such space in addition to the minimum apartment storage requirements, this would not appear to be mandatory.

The proposal includes for additional ground level storage for the use of the apartments with provision having been made for communal refuse / bin storage areas and shared bicycle parking stands at ground level. This is satisfactory.

#### *7.4.22. Amenity Spaces:*

##### *Private Amenity Space:*

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and

balconies at upper levels. In this respect I would advise the Board that a one-bedroom apartment is required to be provided with a minimum amenity area of 5m<sup>2</sup> while two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are to be provided with 6m<sup>2</sup> and 7m<sup>2</sup> of private amenity space respectively.

Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

From a review of the submitted plans and particulars, it would appear that the private open space provision for each of the apartments is either equal to or in excess of the minimum requirements of the Guidelines.

#### 7.4.23. Communal Amenity Space:

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible, secure and usable outdoor space for families with young children and for less mobile older people, and in this respect the minimum requirements set out in Appendix 1 of the guidance are as follows:

- One-bedroom apartment: 5m<sup>2</sup>
- Two-bedroom (3 No. person) apartment: 6m<sup>2</sup>
- Two-bedroom (4 No. person) apartment: 7m<sup>2</sup>

Accordingly, the proposed development will necessitate the provision of 597m<sup>2</sup> of communal open space in order to satisfy the minimum requirements of the Guidelines based on 46 No. one-bedroom, 4 No. two-bedroom (3 person) & 49 No. two-bedroom (4 person) units. In this regard, the subject proposal includes for 1,662m<sup>2</sup> of 'communal' open space in the form of a semi-private amenity area (which will only be accessible to residents of the scheme itself) located between the apartment block and the southern site boundary. Therefore, it is apparent that the 'communal' open space proposed amounts to almost three times the minimum quantitative requirement specified by the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'.

In addition to the 'communal' open space, the proposed development includes for the provision of 1,669m<sup>2</sup> of public open space in the north-western corner of the site alongside Porterstown Road which is intended for use by the general public.

Section 12.7: '*Open Space: Quantity*' of the Development Plan requires public open space to be provided at a minimum rate of 2.5 hectares per 1,000 population (i.e. 25m<sup>2</sup> per person) on the basis of an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. Therefore, the proposed development would require the provision of 3,712.5m<sup>2</sup> of public open space calculated as follows:

$$46 \text{ No. one-bedroom @ } 1.5 \text{ persons per unit} \times 25\text{m}^2 = 1,725\text{m}^2$$

$$53 \text{ No. two-bedroom @ } 1.5 \text{ persons per unit} \times 25\text{m}^2 = 1,987.5\text{m}^2$$

**Total: 3,712.5m<sup>2</sup>**

The Development Plan also states that while a flexible approach will be employed to the delivery of public open space, the intention is to ensure that, except under exceptional circumstances, a minimum of 10% of the overall site area will be reserved for use as public open space (noting that the development site area cannot include lands zoned RU, GB, OS or HA).

Having established that the proposed development will generate a requirement for 3,712m<sup>2</sup> of public open space pursuant to the occupancy parameters set out in the Development Plan, it is clear that the 'public open space' proposed will be substantially less than the required minimum and thus will not satisfy the requirements of Objectives PM52 & DMS57 of the Plan. However, I am cognisant that the Plan does allow for a flexible approach to be taken in the delivery of public open space with the intention to ensure, except under exceptional circumstances, public open space provision exceeds an 'absolute' minimum of 10% of the site area. In this respect, the provision of 1,669m<sup>2</sup> of public open space would equate to c. 18.5% of the site and thus is considerably in excess of the 'absolute' minimum and satisfies the requirements of the Development Plan. Moreover, the public open space provision would exceed the minimum quantitative standards recommended in Paragraph 4.20 of the '*Sustainable residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' with respect to both '*greenfield sites or*

*those sites for which a local area plan is appropriate' and 'large infill sites or brownfield sites'.*

At this point, it is of relevance to note that while there are clear distinctions between 'communal' and 'public open' space in the assessment of applications for residential development (i.e. the former is typically 'semi-private' and limited to use by occupants of the particular scheme whereas the latter is open to use by the general public), in this instance the Board may also wish to consider the cumulative provision of communal and public open space, particularly as there would appear to be no minimum 'communal' open space requirement contained in the Development Plan and as its exclusion from the 'public' open space calculation would seem somewhat punitive. Cumulatively, the communal and public open space provision as proposed will amount to 3,331m<sup>2</sup> which equates to 37% of the overall site area. This is a considerable extent of the site area and significantly in excess of the minimum 10% requirement. The public open space requirement derived from the occupancy parameters (i.e. 3,712.5m<sup>2</sup> as outlined above) would equate to c. 41% of the total site area and I am in agreement with the applicant that the application of such a standard would not be conducive to compact or sustainable urban development.

Therefore, given the infill nature of this urban site, I am satisfied that the provision of public open space as per the requirements of Objectives PM52 & DMS57 of the Development Plan would be disproportionate and unduly onerous in the circumstances, particularly as the proposal accords with national guidance.

From a qualitative perspective, the 'public' open space will be positioned alongside Porterstown Road where it will provide for a continuation of the 'green' frontage when taken in combination with the adjacent playing field while facilitating usage by the wider public thereby allowing greater community interaction. The space itself is well-dimensioned with an equipped play area and will be overlooked from both the roadside and from within the development itself thereby allowing for passive surveillance. Although the 'communal' semi-private open space to the rear of the apartment block is more suited to passive use as a result of its narrow and elongated shape, it will be overlooked and benefits from a southern orientation while it will also serve as a buffer from neighbouring open space & development lands.

Accordingly, I am satisfied that the quantitative and qualitative provision of open space will provide for a sufficiently high level of amenity and that the concerns of the Planning Authority with respect to its final design / finish can be addressed by way of condition.

*7.4.24. Aggregate Floor Areas / Dimensions for Certain Rooms:*

Having reviewed the submitted particulars, the proposed development satisfies the minimum floor areas and standards set out in Appendix 1 of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'.

*7.4.25. Design of the Apartment Units:*

On the basis of the foregoing, it is my opinion that the broader design of the submitted proposal accords with the minimum requirements of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' and correspondingly provides for a satisfactory level of residential amenity for future occupants of the proposed units

*7.5. Overall Design & Layout of the Proposed Development:*

7.5.1. With respect to the wider design merits of the proposal given the site context, while I would accept that the site is a suitable location in principle for the construction of a higher density format of development and an increased building height, I would share some of the Planning Authority's reservations as regards the scale, massing, design and layout of the scheme as submitted. These concerns can be broadly categorised as deriving from the site layout, including the need for connectivity and the implications for the development of adjoining lands, and the overall scale & architectural treatment of the proposal.

7.5.2. My concerns as regards the site layout and its relationship with neighbouring lands etc. have already been detailed in the context of the need for a coordinated and integrated development framework for the area. Particular issues arise as regards the lack of connectivity / permeability through the site onto Diswellstown Road (in reference to the specific objective of the Development Plan to provide a cycle / pedestrian route through the site) and beyond, including the proposed Royal Canal Greenway and Coolmine Station, as well as the need to integrate with the open space planned along the Royal Canal i.e. the proposal does not satisfactorily adhere

to the key design principles of connectivity and permeability set out in the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities'* and the accompanying *'Urban Design Manual: A Best Practice Guide'*. Furthermore, the development of the subject site in isolation from the remainder of 'Opportunity Site No. 5' gives rise to multiple issues of concern including the potential to prejudice the future development of the adjacent zoned lands, the relationship between the subject proposal and any future development on the adjacent lands from an amenity and design perspective, and the coordination of access both to and through the remainder of the zoned lands. Accordingly, I would reiterate my earlier comments as regards the need for a greater degree of co-ordination and integration between any development of the subject site, neighbouring lands, and the wider area, and my concerns that the subject proposal would result in a substandard, uncoordinated form of development which would set an undesirable precedent for similar non-integrated development in the area.

7.5.3. In terms of the overall scale, design and architectural treatment of the apartment block, the proposed five-storey construction will extend to an overall height of 16.515m across the full extent of the building footprint while the design is such that the parapet level will be unbroken throughout the structure thereby resulting in a continuous building height across the construction (save for the lift enclosures). In this regard, the massing of the block will be heightened further by the considerable length of the building which will extend to approximately 145m between its eastern and western elevations. Although the broader configuration and staggered 'Z'-shape of the block is largely in response to the irregular and elongated nature of the site, the recessing of the longer easternmost 'leg' of the construction further north will serve to reduce in part the scale and massing of the structure when viewed from positions further south (such as along the towpath / greenway and the railway line). In a further effort to break up the appearance of the structure, it is proposed to utilise a variety of external finishes which will include a selected engineering brick finish to define each end of the construction as well as the 'elbows' in the building footprint, the broader use of a simple render, and a coloured render to the rear of the balconies.

7.5.4. While I would acknowledge that the application site is located within the highly sensitive 'River Valleys & Canal' landscape character type (in an area which has

also been expressly mapped as a 'Highly Sensitive' landscape), given the specifics of the site context, including its suburban location alongside a key transport corridor, I am satisfied that it can accommodate a higher density of development and an increased building height. However, it is my opinion that the submitted proposal is not an appropriate design response to the site and that the overall scale, height and bulk of the construction would result in an unacceptably visually dominant and obtrusive feature at this sensitive location. Notwithstanding the staggered building line and the use of alternating external finishes and recessed balconies etc. in an effort to reduce the size and massing of the building, I am not satisfied that the proposal would not appear as an unduly large, oppressive and unbroken form when viewed from neighbouring properties and vantage points further south, including from Dr. Troy Bridge. The bulk of the construction is excessive and will have a particularly overbearing and domineering impact on the existing cottage to the southeast. Furthermore, although I would concede that the interpretation of design can be subjective, I would have reservations as regards the overall design merits of the scheme and would suggest that the proposal is lacking in the architectural interest / quality demanded by this prominent site location. In my opinion, the design necessitates improvement in order to maximise the potential of the site and to ensure an appropriate addition to the area given the surrounding pattern of development and the prominence of this 'opportunity site' alongside the planned Royal Canal Greenway and a future public amenity space (as well as the rail line and the DART+ West project).

- 7.5.5. In addition to the foregoing, the overall height and scale of the proposal would not accord with the conceptual layout and building height strategy for the development of 'Opportunity Site No. 5' as set out in the Clonsilla Urban Centre Strategy, 2008, a key aspect of which provided for the consideration of building heights of up to five storeys along the eastern and southern frontages with a scaling down to three storeys on the Porterstown Road and two-storeys at the interface with neighbouring residential development.
- 7.5.6. On balance, it is my opinion that the overall design, scale, height and massing of the apartment block would amount to an inappropriate intervention which fails to respect the site context. It would result in a visually discordant and domineering feature which would seriously injure the amenities of the area and is not of a sufficiently high



design quality given its designation as part of a key 'Opportunity Site' and the sensitivity of this prominent site location.

#### **7.6. Impact on Residential Amenity:**

7.6.1. Given the site context, including its location within a built-up urban area, concerns have been raised that the proposed development may have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, and an excessively overbearing appearance. In this respect, I would suggest that particular consideration needs to be given to the overall design, orientation and positioning of the proposed apartment block relative to the adjacent housing within 'The Courtyard' to the north and the existing cottage on the adjoining lands to the south / southeast.

#### *7.6.2. Overlooking:*

The principal dimension of the proposed five-storey construction will be aligned along an east-west axis and thus its southern elevation will face directly towards the rear of an adjacent single-storey cottage ('Glen Garbh') and its wider curtilage. Notably, this elevation includes a multitude of balcony areas at first, second, third and fourth floor levels which will serve as private open space for individual apartments and, therefore, concerns arise as regards the potential for significant overlooking of adjacent housing with an associated loss of privacy / amenity. In this regard, I would advise the Board that the aforementioned balcony areas will be located within approximately 8.5m-10m of the southern site boundary (presently defined by a low post and wire fence) and thus will have clear views towards the rear garden area and private amenity space of the neighbouring residence. Although there will be a separation distance of c. 40m between the edge of the closest south-facing balcony and the rear elevation of the existing cottage, the separation between the proposed development and the curtilage of that property is less definitive due to the absence of any physical boundary defining the latter. While there is a lawned garden area to the rear of the existing cottage which would appear to delineate the extent of its curtilage, there are also the remnants of a low ditch further north which would seem to suggest that part of the intervening field was previously used for purposes associated with the dwelling house (as suggested by historical aerial photography). On balance, I would consider it reasonable to conclude that the

present curtilage of the cottage is defined by the limit of the lawned area (c. 3m behind an existing shed) and that the intervening lands between it and the development site boundary are more readily of an agricultural nature. Therefore, it can be estimated that there is a separation distance of c. 23m between the curtilage of the cottage and the southern site boundary with approximately 32m between the former and the closest south-facing balcony. By extension, an oblique separation distance of c. 25m-35m can be estimated between the cottage curtilage and the east-facing balconies in the proposed development.

- 7.6.3. A separation distance of 22m between directly opposing first floor windows is generally accepted as the norm in residential design whilst previous guidance has suggested that a separation of 35m or more should be considered in the case of overlooking balconies. In support of the foregoing, Section 12.4: '*Design Criteria for Residential Development: Separation Distances*' of the Development Plan states that a minimum distance of 22m between directly opposing rear first floor windows is to be observed in the case of apartments up to three storeys in height whereas in residential developments over three storeys, minimum separation distances are to be increased in instances where overlooking or overshadowing occurs.
- 7.6.4. While I would acknowledge that the subject proposal does not involve opposing balconies, I am cognisant that it will result in the construction of a five-storey apartment block with multiple external balcony areas orientated to face directly (and obliquely) towards the rear elevation and garden area of an existing single storey cottage in the absence of any established intervening boundary treatment or screening measures. In this respect, although I would consider the separation distances proposed to be reasonable given the urban / suburban site location where some degree of overlooking would not be unexpected, this should perhaps be balanced against the actual number of balconies & individual apartments that will have views towards the adjacent cottage. Moreover, considering the current context of the cottage, the likelihood is that its occupants will have the perception of being overlooked by the apartment block with a perceived loss of privacy which could potentially impact on the value of their property.
- 7.6.5. In relation to the potential for overlooking of 'The Courtyard' housing development, there is a separation distance of c. 25m – 27m between the rear (southern) elevation of the two-storey housing within that scheme and the 'galley' access walkways on

the northern elevation of the easternmost 'leg' of the apartment block. Although the external galley serving the upper floor levels will afford views towards 'The Courtyard' housing, this is not a 'balcony' in the traditional sense and will only be used by residents / visitors for comparatively short periods to access individual apartments. Accordingly, given the site location in a built-up area, the likely usage of the external walkways, the separation distances involved, and level of screening to be provided by the retention and reinforcement of the existing mature planting along the shared site boundary, I am satisfied that any overlooking of 'The Courtyard' consequent on the proposed development will be within acceptable limits.

7.6.6. With respect to the existing two-storey dwelling on the opposite side of Porterstown Road to the west of the application site, given the oblique positioning of that property relative to the proposed apartment block, the separation distances involved which exceed 40m, and the presence of the intervening public road, in my opinion, the proposal is unlikely to detract from the residential amenity of that dwelling by reason of overlooking.

7.6.7. *Daylight, Sunlight & Overshadowing:*

In advance of assessing the impact of the proposed development on the amenity of adjacent properties by reason of overshadowing, it is prudent at the outset to consider the proposal's adherence to the applicable standards as regards the levels of daylight & sunlight received by individual apartments. In this respect, I would advise the Board that Objective DMS30 of the Development Plan aims to '*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*'. Cognisance should also be taken of Objective PM42 which seeks to implement the policies and objectives of the '*Urban Development and Building Height Guidelines*' and the '*Sustainable Urban Housing: Design Standards for New Apartments*' (the latter of which has been superseded / updated by the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*').

7.6.8. In the event of making a planning application, Section 3.2 of the '*Urban Development and Building Height, Guidelines for Planning Authorities*' requires an applicant to

demonstrate that the proposed development satisfies certain development management criteria. At the scale of the site / building, it is stated that the form, massing and height of the proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation, and views, and to minimise overshadowing and loss of light. Moreover, appropriate and reasonable regard is to be taken of the quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's *'Site Layout Planning for Daylight and Sunlight'* (2<sup>nd</sup> edition) or BS 8206-2: 2008 – *'Lighting for Buildings – Part 2: Code of Practice for Daylighting'*. In the event that a proposal cannot fully meet all of the required daylight provisions, the Guidelines state that it will be necessary for this to be clearly identified and a rationale set out for any alternative, compensatory design solutions, which planning authorities should apply their discretion in accepting, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives (e.g. securing comprehensive urban regeneration and / or an effective urban design and streetscape solution).

7.6.9. At this point, I would draw the Board's attention to Specific Planning Policy Requirement 3 (SPPR3) of the *'Urban Development and Building Heights, Guidelines for Planning Authorities'* which states that where *'an applicant for planning permission sets out how a development proposal complies with the criteria above'* (i.e. the specified development management criteria); and *'the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines'*; in such circumstances *'the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise'*.

7.6.10. Similar provisions are contained in the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020'* which emphasise that the provision of acceptable levels of natural light in new apartment developments is an important planning consideration as it contributes to the liveability and amenity enjoyed by apartment residents. It is further stated that in assessing development proposals, planning authorities are to weigh up the overall quality of the design and layout of the scheme and the measures proposed to

maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development. Any such assessment is again to have regard to quantitative performance approaches to daylight provision as outlined in guides like '*Site Layout Planning for Daylight and Sunlight*' (2<sup>nd</sup> edition)' or '*BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting*' with any failings in satisfying the required daylight provisions to be clearly identified and a rationale set out for any alternative, compensatory design solutions, in respect of which the planning authority or An Bord Pleanála should apply their discretion.

7.6.11. The subject application has been accompanied by a '*Daylight & Sunlight Report*' prepared by J.V. Tierney & Co. which aims to follow the aforementioned guidelines and the quantitative performance approaches to daylight provision referenced therein while offering alternative compensatory design solutions in instances where there has been a divergence from the guidance. At the outset of this analysis, the report has sought to emphasise that the guidance contained in '*Site Layout Planning for Daylight and Sunlight*' is only advisory and should not be rigidly applied or used to constrain the design while its numerical guidelines should be interpreted flexibly. However, while I would acknowledge the foregoing, the pertinent issue as clarified in *Atlantic Diamond Ltd. v. An Bord Pleanála* is that the '*Urban Development and Building Heights, Guidelines for Planning Authorities*' are binding mandatory statutory guidelines which require as a matter of legal obligation that the decision-maker have "*appropriate and reasonable regard*" to identified standards i.e. guides like '*Site Layout Planning for Daylight and Sunlight*' (2<sup>nd</sup> Edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'. Accordingly, I propose to assess the subject proposal in this context.

7.6.12. The guidance contained in '*Site Layout Planning for Daylight and Sunlight*' advocates the use of the Average Daylight Factor (ADF) as a check for the adequacy of daylight provision in new rooms / developments (the ADF is a measure of the overall amount of daylight in a space). Reference is subsequently made to the '*BS: 8206-2 Code of Practice for Daylighting*' which recommends an ADF of 5% for a well daylit space and 2% for a partly daylit space (below 2% a room would look dull and likely require electric lighting to be turned on) before also recommending minimum ADF values of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. With respect to rooms which serve more than one purpose, such as

combined kitchen / living / dining areas, it is stated that the minimum average daylight factor should be that for the room type with the highest value e.g. in a space which combines a living room and a kitchen the minimum average daylight factor should be 2% (a similar approach is advocated in '*BS EN 17037: 2018 Daylight in Buildings*' which has replaced *BS: 8206-2 Code of Practice for Daylighting*).

7.6.13. Section 5 of the applicant's '*Daylight & Sunlight Report*' states that as part of an iterative design process, a number of alternative design solutions were considered in order to maximise the daylight provisions while balancing specific site constraints and other planning considerations. These solutions have seemingly informed the design proposed. The report then details the ADF calculations for the individual bedrooms and combined kitchen / living / dining (KDL) areas within each of the apartment units (please refer to Appendix 'A' of the document') and their adherence to the applicable standards.

7.6.14. (For the purposes of clarity, while the applicant's analysis has focused on the minimum standards recommended by *BS: 8206-2 Code of Practice for Daylighting*, it has also sought to emphasise the development's broader compliance with lesser traditional / 'Industry Target' standards. In the absence of any further details as regards the source of these lesser standards or a clear rationale for their application over the requirements of *BS: 8206-2*, I am unconvinced of the appropriateness of applying any such reduced standard. Therefore, I propose to assess the subject proposal by reference to *BS: 8206-2 Code of Practice for Daylighting*).

7.6.15. From a review of the submitted particulars, it can be ascertained that the recommended minimum 2% ADF standard for KLD areas will be satisfied (or exceeded) in 63 No. of the 99 No. apartments proposed (a compliance rate of c. 64%). The minimum 1% ADF for all the (152 No.) bedrooms in the development will be achieved in 144 No. instances (a compliance rate of c. 95%). Overall, this would equate to 82.5% of all measured rooms satisfying the minimum BRE guideline. Broadly speaking, the number of non-compliant units per floor level decreases with the height of the structure (with the exception of the ground floor where there is a lesser number of apartments due to the need to provide for storage facilities etc.) i.e. 1<sup>st</sup> Floor: 11 No. apts., 2<sup>nd</sup> Floor: 10 No. apts., 3<sup>rd</sup> Floor: 8 No. apts., 4<sup>th</sup> Floor: 6 No. apts.

7.6.16. At this point, it is appropriate to reiterate the analytical steps set out in the '*Urban Development and Building Heights, Guidelines for Planning Authorities*' in that if a developer is not able to fully meet all the requirements regarding daylight provisions, then there are three very specific consequences (*Atlantic Diamond Ltd. v. An Bord Pleanala*):

- i. this must be clearly identified;
- ii. a rationale for any alternative compensatory design solutions must be set out; and
- iii. a discretion and balancing exercise is to be applied.

7.6.17. Having identified the rate of compliance with the applicable daylight provisions and the specific apartments which fail to achieve the required standard, Section 5.3 of the 'Daylight & Sunlight Report' proceeds to refer to the inclusion of alternative compensatory design solutions. It is stated that in order to achieve the desired daylight and sunlight levels, the design process considered a number of different iterations. Preliminary analysis seemingly informed a baseline performance in relation to daylight and following the initial design stage '*a range of alternative compensatory design solutions were identified to potentially improve daylight performance across the site*'. The report subsequently details how consideration was given to the following 'design solutions':

7.6.18. - *Balcony Positions:*

The applicant acknowledges that balcony depth impacts on access to daylight due to the obstruction it causes to the window below. Therefore, the initial design assessment identified the potential to reduce balcony depths thereby increasing access to daylight and this compensatory design solution was incorporated into the scheme. A minimum balcony depth of 1.5m was maintained as per the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*' although the balcony lengths were extended to accommodate the minimum area standards. The example provided (Fig. 4) thus details how the revised balcony design increased the ADF in the considered KLD room from 1.38% to 1.63% (*N.B.* The revision also includes for an increase in the extent of the window & doorway accessing the balcony).

7.6.19. - *Glazed Areas / Windows:*

An initial design assessment identified those rooms with the potential to be brought up to satisfy the 2% ADF target. A subsequent review of the fenestration design highlighted potential areas of improvement which resulted in the widening and / or repositioning of certain KLD & bedroom windows to allow for more daylight access and a greater distribution of light.

The report continues by referencing the example provided in Fig. 4 and stating that an increase in the extent of the glazing serving that same KLD room increased the ADF from 1.63% to 1.83%.

A further example is given with an increase in the size of the window serving the double bedroom in Apt. No. 20 increasing the ADF from 0.85% to 1.04%.

7.6.20. - *Floor-To-Ceiling Heights:*

The floor-to-ceiling heights of the ground floor apartments will be 2.915m (above the required minimum of 2.7m) thereby reducing the obstruction from balconies above while these units will also benefit from direct access to courtyards and amenities. It is further stated that while the initial design utilised 3m floor to floor separation on all levels, the ground floor measurement was raised to 3.325m with the upper floors increased to 3.15m in order to assist in daylight provision.

7.6.21. - *Site Layout & Building Heights:*

It has been submitted that a strategic site layout was at the forefront of the development design in considering the need to provide for good quality daylight & sunlight provision.

Furthermore, as a result of modifications to the design, the scheme utilises an external deck-access typology which negates the need for internal corridors thereby resulting in dual aspect units comprising 91% of the development. Single aspect units have been designed to overlook amenities.

7.6.22. In its assessment of the proposal, the Planning Authority does not consider that the compensatory design measures '*address other relevant areas such as room depths and widths and alternative apartment layouts*'. It refers to Objective DMS30 of the



Development Plan which requires **all** residential units to 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'. When taken in combination with concerns as regards possible internal overlooking between units / balconies within the scheme, the Planning Authority thus concludes that the proposal would not provide a satisfactory standard of residential amenity for its future occupants.

- 7.6.23. Having considered the available information, it is clear that a number of bedrooms and KLD areas will not achieve the minimum requirements recommended for daylight provision, although 82.5% of the measured rooms will be compliant. These deficiencies have been acknowledged by the applicant and the case has put forward that 'alternative compensatory design solutions' have been provided to address same. In assessing the rationale for any such compensatory design solutions, the Board is afforded discretion having regard to local factors, including specific site constraints, and the balancing of that assessment against the desirability of achieving wider planning objectives.
- 7.6.24. In my opinion, cognisance must be taken of the fact that the target ADF values contained in 'BS: 8206-2 Code of Practice for Daylighting' are both recommendations and minimum standards, and that 'Site Layout Planning for Daylight and Sunlight' (2<sup>nd</sup> Edition)' accepts the need for a flexible interpretation of the guidance. This is given further effect by the Urban Design and Building Height Guidelines which expressly includes provision for compensatory measures to be considered in instances where there is an identified deficiency in daylight provision. Therefore, I would suggest that the implication in the report of the Planning Authority that 'all' residential units 'must' comply with the recommendations of 'Site Layout Planning for Daylight and Sunlight' pursuant to Objective DMS30 of the Development Plan would be unduly onerous. A balancing exercise must be conducted as to the merits of the scheme.
- 7.6.25. It would appear that the subject proposal evolved as part of an iterative process which served to inform the final design. This included the review of an initial proposal in the context of adherence to the recommended minimum ADF values for daylight / sunlight which culminated in modifications being made to the scheme with a view to addressing some of the deficiencies identified. In this respect, it is regrettable that

the application has not been accompanied by further details of the original design to allow for a comparison with the current proposal or an assessment of the totality of the revisions made in response to the substandard daylight / sunlight provision. This could be construed as problematic in that the scheme as presented amounts to the final design inclusive of the 'compensatory' measures intended to address certain deficiencies identified in earlier iterations of the project. In effect, the compensatory measures referenced by the applicant form an integral / de facto part of the final design and have not been included in an effort to remediate or compensate for the current deficiencies identified in the 'Daylight & Sunlight Report'. However, I would concede that such an interpretation of the design process is perhaps unworkable and that it would be reasonable to expect the submitted design to have already been prepared having taken cognisance of the need to comply with the necessary standards. Nevertheless, in the subject instance, and notwithstanding the incorporation of reduced balcony depths and larger window sizes etc., 17.5% of the measured rooms (including 36% of the KLD areas) fail to meet the recommended minimum standards. Therefore, it is necessary to consider whether this is an acceptable rate of compliance as part of a balancing exercise having regard to local factors including specific site constraints and the desirability of achieving wider planning objectives, or if the compensatory measures do not go far enough to the effect that further revisions are required to improve the compliance rate or the scheme as a whole does not meet the necessary threshold for residential amenity and thus is substandard.

- 7.6.26. On the basis of accepting the design as submitted, a total of 39 No. individual apartments have at least one measured room which will not benefit from adequate daylight / sunlight provision (i.e. c. 39.4% of the total number of apartments proposed). This loss of amenity has sought to be compensated for in a number of manners. Firstly, all of the apartments will have a floor-to-ceiling height in excess of the minimum requirement while the entirety of the communal & public open space proposed will satisfy the minimum sunlight requirements (thereby exceeding the 50% requirement recommended at Para 3.3.17 of 'Site Layout Planning for Daylight and Sunlight'). Furthermore, 11 No. of the apartments with deficient daylight / sunlight provision will be provided with private open space / balconies exceeding the minimum requirement. In addition, 91% of the apartments will be dual aspect which

could perhaps lessen the perception of an individual apartment having reduced daylight.

7.6.27. With respect to the site itself, I would acknowledge that its comparatively narrow and elongated shape, in addition to its relationship with neighbouring residential properties, poses design challenges which serve to limit the development options open to the applicant. While it would likely be possible to split the proposal into a series of smaller apartment buildings as opposed to pursuing the construction of a single large block, I am mindful of the need to ensure the efficient use of land and services given the site location alongside a key transport corridor and its wider suitability for a higher density of development and increased building height.

7.6.28. In broader terms, the proposed development would be supported in principle by Ministerial guidance (including the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, the 'Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities' & the 'Urban Development and Building Height, Guidelines for Planning Authorities) and would correlate with the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth as expressed in National Policy Objective 35 which aims to *'increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'*. However, I am not convinced that the foregoing would be sufficient to warrant a relaxation of the recommended minimum daylight / sunlight standards. In this regard, I would reiterate my earlier concerns as regards the need for an up-to-date Urban Framework Plan for Clonsilla and a coherent development strategy which includes the adjoining lands to the southeast. The proposal similarly fails to provide for connectivity / permeability through the site onto Diswellstown Road (in line with a specific objective of the Development Plan to provide a cycle / pedestrian route through site) and beyond, including the proposed Royal Canal Greenway and Coolmine Station, as well as the need to integrate with the open space planned alongside the Royal Canal (contrary to the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' and the accompanying 'Urban Design Manual: A Best Practice Guide'). In addition, I would refer the Board to my earlier commentary that the overall design,

scale, height and massing of the proposal would amount to an inappropriate intervention which fails to respect the site context and would result in a visually discordant and domineering feature.

7.6.29. On balance, it is my opinion that while the compensatory design solutions incorporated into the final version of the subject proposal have seemingly served to improve overall daylight / sunlight provision within the development, the case remains that 17.5% of the measured rooms fail to satisfy the recommended minimum standard while c. 39.4% of the apartments will have at least one bedroom or KLD area with inadequate natural light. The question therefore arises as to whether more significant changes could have been made to the final design of the proposal in order to improve its compliance rate. It should also be queried as to whether it would have been more appropriate to have employed an entirely different design approach to the development of the site which would have afforded greater opportunities for improved daylight / sunlight provision (noting the need for coordination with the development of the wider landbank). Furthermore, in balancing the merits of the proposed compensatory measures against the desirability of fulfilling wider objectives, while I would accept that the delivery of additional dwelling units is of paramount importance in the current climate and finds support by reference to national, regional and local planning policy, the subject proposal fails to comply with several specific objectives of the Development Plan as well as certain aspects of Ministerial guidance (e.g. the principles of connectivity and permeability). Therefore, I am not satisfied that the deficiencies in daylight / sunlight provision when taken in combination with the compensatory measures proposed are justifiable in this instance.

7.6.30. *Daylight & Sunlight: Open Space:*

Section 6 of the 'Daylight & Sunlight Report' confirms that the entirety of the communal & public open space proposed will receive at least 2 hours of sunlight on 21<sup>st</sup> March thereby exceeding the 50% requirement recommended at Para 3.3.17 of 'Site Layout Planning for Daylight and Sunlight'.

7.6.31. *Daylight & Sunlight: Impact on Adjacent Residential Properties:*

In assessing the potential impact of the proposed development from an overshadowing / loss of light perspective on the amenity of neighbouring residential

property, I would refer the Board to Section 7: '*Adjacent Residential Areas*' and Appendices 'B' & 'C' of the 'Daylight & Sunlight Report'. This has considered 'The Courtyard' apartment scheme to the north of the site and the two-storey dwelling to the southwest / west on the opposite side of Porterstown Road. In light of the positioning of the proposed development and its relationship with neighbouring lands, I would concur with the decision to limit the study to the aforementioned properties.

7.6.32. Appendix C: '*Detailed Results (Light from the Sky)*' identifies 51 No. windows within 'The Courtyard' and 3 No. windows within the neighbouring dwelling which could be potentially impacted by the proposed development. It subsequently calculates the Vertical Sky Component (VSC) (the ratio of the direct sky illuminance falling on the vertical wall at a reference point, usually the centre of the window, to the simultaneous horizontal illuminance under an unobstructed sky. It is usually expressed as a percentage) as an indication of the light received from the sky at the windows in question in both the existing and proposed scenarios (the latter with the development in place). For clarity purposes, Para 2.2.7 of 'Site Layout Planning for Daylight and Sunlight' states that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. If the VSC with the development in place is both less than 27% and less than 0.8 times its former (existing) value, then occupants of the existing building will notice the reduction in the amount of daylight.

7.6.33. On the basis of the information provided, it can be ascertained that the proposed development will not result in any of the windows assessed within the adjacent dwelling to the west / southwest having a VSC less than 27%. However, with the development in place, Window Nos. 2, 3, 4, 6, 7, 10, 14 & 27 of 'The Courtyard' will all have a VSC which is both less than 27% and less than 0.8 times its existing value (all of the affected windows are at ground floor level with exception of Window No. 4 on the first floor. Similarly, all of the windows are located at / towards the western end of the building, save for Window No. 27). Therefore, the diffuse level of daylighting in these rooms may be adversely affected by the proposed development. Overall, it can be calculated that 85.2% of the windows measured in neighbouring developments will continue to receive in excess of the recommended minimum levels of light from the sky. With respect to those windows which will experience a

reduction in daylight of between 28.95% and 38.51%, '*Site Layout Planning for Daylight and Sunlight*' states that the guidance should be applied sensibly and flexibly e.g. there is little point in designing tiny gaps in the roof lines of new development in order to safeguard no sky lines in existing buildings. The guidance further states that if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable. In my opinion, it is regrettable that additional details such as the nature of the rooms served by the affected windows (e.g. kitchen, dining, living, bedroom, bathroom etc.), the depth of the rooms in question, whether the rooms are served by windows on more than one side, the number of affected windows serving the same room and each apartment, and the total number of apartments affected, were not provided as an aid in justifying the impact of the proposal.

7.6.34. With respect to the potential for neighbouring residences to experience a loss of sunlight consequent on the proposed development, I would refer the Board to the guidance contained in Section 3.2 of '*Site Layout Planning for Daylight and Sunlight*' which states that in order to assess loss of sunlight to an existing building, all main living areas of dwellings should be checked if they have a window facing within 90° of due south. In this regard, much of the proposed apartment block will be sited within 90° of due south of the south-facing elevation of 'The Courtyard'. If any of the identified windows can receive more than 25% of Annual Probable Sunlight Hours (APSH), including at least 5% of APSH in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, then the room in question should still receive enough sunlight.

7.6.35. Appendix B: 'Proposed Site Shadow Analysis' and Appendix D: 'Detailed Results (Loss of Sunlight)' of the applicant's 'Daylight & Sunlight Report' assesses the potential impact of the proposed development by way of overshadowing / loss of sunlight on the 51 No. windows previously identified in the south-facing elevation of 'The Courtyard' (the analysis seemingly focuses on 'The Courtyard' as it had been established that the dwelling to the west / southwest would not experience any loss of light from the sky). On the basis of the shadow projection analysis conducted for 21<sup>st</sup> March (Spring Equinox) and 21<sup>st</sup> December (Wintertime), it has been submitted that all of the measured windows within 'The Courtyard' will receive in excess of 25% of Annual Probable Sunlight Hours and 5% of available sunlight hours in the winter months. While this analysis would support the assertion that the proposed

development will not impact on 'The Courtyard' apartments by reason of overshadowing / loss of sunlight, I note that the applicant has not detailed the shadow projections for 21<sup>st</sup> September which is of relevance given that the winter months are generally defined as between 21<sup>st</sup> September and 21<sup>st</sup> March (as per Section 3.2 of 'Site Layout Planning for Daylight and Sunlight').

7.6.36. In relation to the gardens and open spaces serving the southernmost units within 'The Courtyard', it has been confirmed that 97.2% of these areas will receive at least 2 hours of sunlight on 21<sup>st</sup> March thereby exceeding the 50% requirement recommended at Para 3.3.17 of 'Site Layout Planning for Daylight and Sunlight'.

7.6.37. *Daylight & Sunlight: The Potential Implications Arising from the Future Development of Adjacent Lands:*

Given the specifics of the site context and its relationship with adjoining lands, the proposed development could potentially result in some limited overshadowing of part of those lands to the southeast which have been earmarked for redevelopment by reason of their designation as the remainder of 'Opportunity Site No. 5' set out in the Clonsilla Urban Centre Strategy, 2008. However, I would suggest that a more pertinent consideration is the potential impact arising from any redevelopment of the adjacent lands to the southeast (which would most likely comprise the construction of a high-density residential scheme of increased building height) on the amenity of the subject scheme. In this regard, I would have concerns that an otherwise appropriate redevelopment of the remainder of Opportunity Site No. 5 could potentially be undermined by the need to avoid any diminution in the residential amenity of the subject scheme by reason of overshadowing / loss of sunlight / daylight. In effect, the overall design, scale, height, and proximity of the subject proposal to the southern site boundary, if approved, could potentially have considerable consequences for the 'developability' of the adjacent lands. In my opinion, these concerns further underline the need for a coordinated and coherent framework for the development of Opportunity Site No. 5.

7.6.38. *Overbearing Appearance:*

Having regard to my earlier comments with respect to the design, scale, height and massing of the proposed development, the conceptual strategy for the development of 'Opportunity Site No. 5' as set out in the Clonsilla Urban Centre Strategy, 2008 (a

key aspect of which provided for the scaling down of development at the interface with existing housing), and the proximity of the construction to the single storey dwelling to the immediate southeast, it is my opinion that the proposal will have an unacceptably overbearing and oppressive influence on that property.

## 7.7. Traffic & Transport Considerations:

### 7.7.1. Traffic Impact & Trip Generation:

Given the specifics of the site location and its relationship with adjoining lands, including the significant change in level relative to the Diswellstown Road, access to the proposed development will be obtained via a new vehicular entrance arrangement onto Porterstown Road with the proposal also providing for a new 2m pedestrian footpath along the site frontage. It is of relevance to note that while a pedestrian / cycle link was initially proposed to extend through the site between Porterstown Road and Diswellstown Road (as per an objective of the Development Plan), the provision of this route was thwarted by the presence of an intervening parcel of third-party land (although the grounds of appeal include proposals to accommodate a pedestrian / cycle link should it prove feasible at a future date).

7.7.2. In support of the proposal, the application has been accompanied by a Traffic & Transport Assessment prepared by O'Connor Sutton Cronin which has analysed the potential traffic impact of the trip generation attributable to the proposed development on the surrounding road network, including at the junctions of Porterstown Road / Clonsilla Road and Clonsilla Road / Blanchardstown Road South / Diswellstown Road, for a Predicted Year of Opening of 2024 and a Design Year of 2039. In this regard, I would advise the Board that the Design Year has been assessed for two scenarios as follows:

- *'Do Something'* – The existing road network combined with the proposed development in place; and
- *'Do Maximum'* – The revised road network as per the Kellystown Local Area Plan with Porterstown Road south of the development closed to vehicular traffic combined with the proposed development in place (the closure of the vehicular level crossing at Porterstown Road forms part of the DART+ West Project).



- 7.7.3. By way of clarity, while the TTA was prepared during the COVID-19 pandemic at a time when Government restrictions were impacting on travel patterns and traffic flows across the country, it has been informed by pre-covid baseline traffic survey data which is considered to be representative of typical traffic flows on the network in the area. Cognisance has also been taken of the impacts attributable to the likely distribution / diversion of traffic and background traffic growth forecasts.
- 7.7.4. From a review of the Traffic & Transport Assessment, although the proposed development will contribute to an overall increase in traffic volumes on the surrounding road network which is unavoidable, it has been submitted that the potential traffic impact will be negligible (this is despite the conservative nature of the assessment which has made no allowance for the long term impact that the COVID-19 pandemic is expected to have on both commuting patterns and future traffic growth as a result of the associated impact on economic activity). On balance, I would broadly concur with the applicant's analysis of the traffic volumes and trip generation. The local road links (Clonsilla Road, Blanchardstown Road South & Diswellstown Road) have been shown as operating within capacity during the AM and PM peaks in both the Predicted Year of Opening (2024) and the Design Year (2039), although some of the network in the 'Do Something' and 'Do Maximum' scenarios for the Design Year will be operating with a Ratio of Flow to Capacity in excess of 85% (priority junctions should typically seek to not exceed 85-90% RFC value). The increased RFC values in the 'Do Maximum' Design Year will be in part attributable to a growth in background traffic volumes and the closure of the Porterstown Road level crossing to vehicular traffic as part of the Kellystown Local Area Plan (and the DART+ West scheme), however, this is perhaps a more strategic issue requiring consideration as part of the longer-term development of the surrounding area. Cognisance should also be taken of the planned improvements to public transport in the vicinity of the development site, with particular reference to the DART+ West project and the 'BusConnects' programme, as well as the potential for a move towards more sustainable modes of transport through the completion of the Royal Canal Greenway and the roll-out of the NTA's Greater Dublin Area Cycle Network Plan etc. Notably, there has been no specific objection to the proposed development by either the Transportation Planning Section of the Local Authority or the NTA on the grounds of increased traffic generation / traffic impact.

7.7.5. While I would acknowledge that the proposed development will undoubtedly result in increased traffic in the area, it is my opinion that the surrounding road network has sufficient capacity to accommodate the limited additional traffic volumes consequent on the proposal without detriment to public safety. Furthermore, although Porterstown Road and the immediate locale experience instances of traffic congestion and haphazard car parking arising due to nearby schools such as St. Mochta's N.S, I would suggest that any such historical complaints cannot be attributed to the subject proposal and would not warrant a refusal of permission.

7.7.6. *Proposed Entrance Design:*

In relation to the design of the proposed entrance onto Porterstown Road, the TTA has submitted that a sightline assessment was carried out in accordance with Section 4.4.4 of the Design Manual for Urban Roads and Streets on the basis of traffic survey data which recorded average speeds of between 24-28kph and 85<sup>th</sup> percentile speeds of 32-36kph. Therefore, by applying a more conservative speed of 60kph as per Table 4.2 of DMURS, it can be determined that a visibility distance of 33m will be required from the proposed entrance in both directions to the near edge of the public road. The submitted particulars, including Drg. No. B986-OCSC-XX-XX-DR-C-0111 Rev. C01: Visibility Splay', confirm that the required sightlines can be achieved.

7.7.7. However, I would reiterate my concerns as regards the need for the entrance design to take account of the works proposed to Porterstown Road as part of the DART+ West Project. More specifically, the preferred option for the DART+ West project includes for the closure of the existing Porterstown Road level crossing and its replacement with a new pedestrian / cycle bridge which will in turn necessitate the provision of a mini-roundabout at the end of a new cul-de-sac on Porterstown Road with the works encroaching into the development site. While I would acknowledge that the grounds of appeal include a revised site layout which aims to avoid any encumbrance to future works on Porterstown Road, I would repeat the need to ensure a suitable access arrangement to the remainder of the landbank which encompasses Opportunity Area No. 5 of the Clonsilla Urban Centre Strategy, 2008.

7.7.8. *Car & Bicycle Parking:*

The proposed development consists of the construction of 46 No. one-bedroom & 53 No. two-bedroom apartments and generates a 'normal' car parking demand for c. 145 No. spaces in accordance with Table 12.8: 'Car Parking Standards' of the Development Plan on the basis of the following rates:

- One-bedroom apartment: 1 No. space plus 1 No. visitor space per 5 units
- Two-bedroom apartment: 1.5 No. spaces plus 1 No. visitor space per 5 units

7.7.9. Given that the submitted proposal only provides for a total of 67 No. car parking spaces, it is clear that there is a considerable shortfall in parking provision on site. However, the integration of land use and transportation involves the location of trip intensive land uses (such a high-density housing) near high capacity public transport and, therefore, Sections 7.1 & 12.10 of the Fingal County Development Plan, 2017-2023 provide for car parking standards to be split into two zones with 'Zone 1' allowing fewer car parking spaces while Zone 2 allows a higher number of spaces. In this regard, the proposed development site is located within Zone 1 as it lies within '1600m of an existing or planned Luas/DART/Metro/Rail station' and thus consideration may be given to a reduced parking standard. Further support is lent to a relaxation of the applicable standard by reference to the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*' which identify the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria, where the quantum of car parking will vary:

- *Central and/or Accessible Urban Locations:*

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

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located

employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.

- *Intermediate Urban Locations:*

In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

7.7.10. The TTA has submitted that as the development site is within 1km walking distance of Coolmine Rail Station (a high-capacity urban transport stop served by commuter and intercity rail services), it accords with the definition of a 'Central and / or Accessible Location' and thus there is scope for a reduction in car parking provision in line with the Development Plan and the aforementioned guidelines. It is further stated that the available Census data shows a relatively low rate of car usage in the local area which is especially apparent in areas with the highest proportion of apartments. The parking on site will also be privately managed in tandem with the promotion of car sharing and the implementation of a Mobility Management Plan.

7.7.11. The rate of car parking proposed equates to c. 0.68 No. spaces per unit. For comparison purposes, ABP Ref. Nos. ABP-309622-21 (198 No. 'Build-To-Rent' apartments) and ABP-308695-20 (128 No. houses & 232 No. apartments) sought to provide car parking at a rate 0.48 and 0.75 No. spaces per apartment respectively, although both those developments were located in closer proximity to Clonsilla Station (while the proposals were ultimately refused permission, it would appear that the ratio of car parking per unit was acceptable in both instances). Therefore, the parking proposed would seem to be in line with the policy position adopted for the area.

7.7.12. Given that the subject site is suitable in principle for a higher density of development, its location relative to the Dublin - Maynooth railway line with its commuter service, the proximity of Clonsilla Station c. 1.3km to the west and Coolmine Station c. 1.0km to the east ('as the crow flies'), the availability of local bus services, the planned improvements to public transport locally as part of the DART+ West project and the

BusConnects programme, and the site location relative to local centres and employment opportunities, I am satisfied that the relaxation in car parking as proposed is acceptable in this instance.

7.7.13. In order to offset the reduction in car parking provision, it is proposed to provide 216 No. bicycle parking spaces in excess of the standards set out in the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'* i.e. 1 No. space per bedroom and 0.5 No. visitor spaces per unit (which would equate to a demand for 202 No. spaces). This provision will also be considerably in excess that sought by the Development Plan (Table 12.9: 'Bicycle Parking Standards': Apartments: 1 No. space per unit and 1 No. visitor space per 5 units).

7.7.14. Residents bicycle parking is to be provided in 3 No. dedicated internal bike stores with visitor parking sited externally throughout the development. Regrettably, the submitted plans would not appear to show a totality of 216 No. bicycle parking spaces although it is possible that the internal storage arrangements may involve the stacking of bicycles (the ground floor plan only shows c. 106 No. spaces as being provided internally for the use of residents). In my opinion, such matters can be satisfactorily addressed by condition in the event of a grant of permission.

7.7.15. *Cycling Infrastructure Provision:*

With regard to the broader issue of connectivity and cycling infrastructure, my concerns in relation to the inability of the applicant at this time to achieve the specific objective which aims to provide a cycle / pedestrian route through the site between Porterstown Road and Diswellstown Road have already been documented elsewhere in this report. In addition to the foregoing, while the applicant has sought to suggest that the provision of dedicated cycling infrastructure along Porterstown Road would not be warranted, I would advise the Board that it is a specific objective of the Development Plan to provide a cycle / pedestrian route along the full length of that roadway between its junction with Clonsilla Road to the north and Diswellstown Road to the south (with DART+ West including for a cycle / pedestrian bridge crossing over the rail line). Wider proposals for the further improvement of cycling infrastructure in the area have also been included in the Plan's objectives, with

particular reference to the GDA Cycle Network Plan - Fingal: PSG Network which will form part of the Royal Canal Greenway.

#### *7.7.16. Construction Traffic:*

With respect to the potential impact of construction traffic on the safety of road users, with particular reference to passing pedestrians and schoolchildren, I am inclined to suggest that such matters, including the management and parking of construction traffic, can be satisfactorily mitigated by way of condition. In this regard, I note that the applicant has indicated that the hours of construction and the timing of deliveries will avoid peak school times etc. to minimise the potential for congestion and conflicting traffic movements. In addition, the Outline Construction Management Plan commits to the development of a Traffic Management Plan for discussion with the Local Authority in advance of the commencement of works which will be reviewed and updated in line with the construction programme. Reference has also been made to adherence to best practice 'Considerate Constructor' guidelines and the appointment of a Community Liaison Officer to lead and manage all community related issues. In any event, all construction activities will be obliged to comply with normal health and safety protocols.

#### **7.8. Impact on Built Heritage:**

- 7.8.1. With respect to the proposal to demolish the existing cottage on site, whilst it is apparent that multiple parties have particular concerns as regards this aspect of the development on the basis that it will result in the loss of a structure which is considered to be of local architectural and historical interest, it is of relevance to note that the building in question has not been designated as a protected structure / proposed protected structure nor is it situated within an Architectural Conservation Area. It is also notable that although the 'Historic Building Appraisal' provided with the application states that the building was recorded by the National Inventory of Architectural Heritage in 2005 (Reg. No. 1361003) before being given a 'local' rating, this is not reflected in the NIAH database available on-line.
- 7.8.2. Notwithstanding that the existing cottage is not a protected structure, I note the provisions of Objective CH33 of the current County Development Plan which aims to promote the sympathetic maintenance, adaptation and re-use of the county's historic building stock, whether protected or not, although I would suggest that this objective

is somewhat aspirational and perhaps should not be given an unduly restrictive interpretation. In this regard, I would accept that the subject property is an attractive example of a vernacular, two-storey detached dwelling originating from the late 18<sup>th</sup> or early 19<sup>th</sup> Century, although it has been extensively altered over time.

7.8.3. The accompanying 'Historic Building Appraisal' provides a reasoned analysis of the historical and built heritage value of the property as well as survey drawings and a photographic record. While the report acknowledges that the proposal will result in the removal of a historic building of local vernacular architectural interest, it suggests that the loss of the property is in keeping with the emerging pattern of urbanisation which is becoming established in the surrounding area where transport links and nearby facilities have contributed to a high demand for residential accommodation. It further states that the planned scheme will not significantly impact on the historic character of the existing complex of mature green space or the railway & canal infrastructure to the south while the exclusion of the existing site entrance (with its distinctive wrought-iron gate and adjoining 'kissing gate') from the development proposal will provide definition of the interface between the historic area and the landscaped frontage of the development.

7.8.4. On balance, while I would accept that the existing building makes a positive contribution to wider architectural landscape and that its retention (and refurbishment) would be desirable from a built heritage perspective, in light of the fact that the structure has not been deemed to be of sufficient merit to warrant inclusion in the Record of Protected Structures, and the broader merits in allowing for the redevelopment of the subject lands, I would suggest that although the loss of the cottage is regrettable, a reasonable case for its demolition has been made.

#### 7.9. **Ecological / Biodiversity Considerations:**

7.9.1. Concerns have been raised as regards the potential impact of the proposed development on ecological considerations, with particular reference to bats, the Royal Canal Proposed Natural Heritage Area, and the removal of trees and hedgerows, however, cognisance must be taken of the site location in a built-up urban area and the fact that the lands are fully serviced and zoned for development. In this regard, although the proposed development will inevitably result in the loss of some plant and animal species from within the footprint of the construction, having

reviewed the available information, including the Ecological Impact Assessment Report, the Appropriate Assessment Screening Report, the arboricultural assessment, and the landscaping proposals, in my opinion, given the limited ecological value of the lands in question, the implementation of best practice construction management measures, and the mitigation measures proposed, the immediate impact of the proposal will be within tolerable limits and can be satisfactorily addressed by way of condition thereby avoiding any undue impact on wider biodiversity considerations.

#### **7.10. Appropriate Assessment:**

##### **7.10.1. Compliance with Article 6(3) of the Habitats Directive:**

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

##### **7.10.2. Background on the Application:**

The applicant has submitted a screening report for Appropriate Assessment as part of the planning application (please refer to the '*Appropriate Assessment Screening Report for a Proposed Housing Development at Site at Porterstown Road, Porterstown, Dublin 15, D15 Y95T*', dated September, 2021 and prepared by Enviroguide Consulting).

This Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It has concluded upon the examination, analysis and evaluation of the relevant information, and in applying the precautionary principle, on the basis of objective information, that the possibility may be excluded that the proposed development will have a significant effect on any of the Natura 2000 sites within the identified zone of influence as listed below:

- The South Dublin Bay Special Area of Conservation (Site Code: 000210)
- The North Dublin Bay Special Area of Conservation (Site Code: 000206)
- The Rye Water Valley / Carton Special Area of Conservation (Site Code: 001398)



- The Glenasmole Valley Special Area of Conservation (Site Code: 001209)
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024)
- The North Bull Island Special Protection Area (Site Code: 004006)

It is further stated that in light of the findings of the screening exercise carried out, based on best available scientific evidence, that the possibility of any significant effects on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded and thus a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

Having reviewed the documents and submissions provided, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development alone, or in combination with other plans and projects, on European sites.

#### 7.10.3. **Screening for Appropriate Assessment - Test of likely significant effects:**

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

#### 7.10.4. **Brief Description of the Development:**

The proposed development consists of the construction of a five-storey apartment building comprising a total of 99 No. apartments (46 No. one-bedroom and 53 No. two-bedroom units), the provision of a new vehicular access and further pedestrian / cycle accesses off Porterstown Road, and associated site development works, including the provision of 67 No. car parking spaces, bicycle parking, bin storage, landscaping, boundary treatment, an ESB substation, roof-mounted PV panels, and connection to mains services. The incorporation of Sustainable Urban Drainage Systems into the design of the development is stated to be mandatory for all new developments under the Greater Dublin Regional Code of Practice for Drainage

Works. Therefore, the design of the proposed development includes a suite of SuDS measures, including the provision of underground attenuation in the form of a proprietary modular system, with the result that the discharge rate at the outfall to the public surface water network will be restricted to a maximum flow rate of 3.29l/s/ha, which is less than the current greenfield equivalent runoff rate.

The application has been accompanied by various supporting documentation, including an Ecological Impact Assessment Report, an Arboricultural Report, a Hydrological Risk Assessment, and an Outline Construction Management Plan.

The development site is described in Page Nos. 5 & 9 of the 'Appropriate Assessment Screening Report' while Section 4.3 of the Ecological Impact Assessment Report provides an in-depth evaluation of the various habitat types present within the development boundary. In this regard, I would concur that the existing site predominantly comprises dry meadows & grassy verges, scrub, and assorted hedgerows & tree lines.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss or alteration;
- Habitat / species fragmentation;
- Disturbance and / or displacement of species;
- Changes in population density; and
- Changes in water quality and resource.

#### **7.10.5. Submissions and Observations:**

In order to avoid unnecessary repetition, commentary received from the Parks and Green Infrastructure Division of the Local Authority, as well as third party observations, with respect to biodiversity considerations is summarised elsewhere in this report.

#### **7.10.6. European Sites:**

The development site is not located in or immediately adjacent to a European site. The closest European site is the Rye Water Valley / Carton Special Area of

Conservation (Site Code: 001398), however, this is not hydrologically linked to the development site as it is located upstream in a separate surface water subcatchment. Furthermore, it is remote from the proposed development site at a distance of approximately 5.8km west / southwest and is separated by a significant urban and rural buffer. The Glenasmole Valley Special Area of Conservation (Site Code: 001209) is similarly located in a separate surface water subcatchment in South Dublin, approximately 13.8km to the south. When taken in combination with the foregoing considerations, the intervening distances between the development site and the aforementioned SACs are sufficient to exclude the possibility of significant effects on those European Sites arising from the emission of noise, dust, pollutants and / or water vibrations; increased traffic volumes; potential increased lighting; and increased human activities at the site.

Using the source-pathway-receptor model of risk assessment, surface and foul waters from the proposed development will ultimately drain to Dublin Bay, located c. 15km east of the proposed development site and therefore may indirectly have an impact. Dublin Bay includes the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Dublin Bay SAC (Site Code: 000206), South Dublin Bay SAC (Site Code: 000210) and North Bull Island SPA (Site Code: 004006), which are located 11km - 15km to the east.

A summary of the European Sites that occur within the possible 15km zone of influence of the development is presented in the table below. Where a possible connection between the development and a European Site has been identified, these sites are examined in more detail.

<b>European Site</b>	<b>Qualifying Interest / Special Conservation Interest</b>	<b>Distance from the Proposed Development</b>	<b>Connections (source-pathway-receptor)</b>	<b>Considered Further in Screening</b>
Rye Water Valley / Carton SAC (001398)	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]	c. 5.8km west	None.	No.

	Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]			
Glenasmole Valley SAC (001209)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]  Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]  Petrifying springs with tufa formation (Cratoneurion) [7220]	c. 13.8km south	None.	No.
South Dublin Bay and River Tolka Estuary SPA (004024)	Light-bellied Brent Goose (Branta bernicla hrota) [A046]  Oystercatcher (Haematopus ostralegus) [A130]  Ringed Plover (Charadrius hiaticula) [A137]  Grey Plover (Pluvialis squatarola) [A141]  Knot (Calidris canutus) [A143]  Sanderling (Calidris alba) [A144]  Dunlin (Calidris alpina) [A149]  Bar-tailed Godwit (Limosa lapponica) [A157]  Redshank (Tringa totanus) [A162]  Black-headed Gull (Chroicocephalus ridibundus) [A179]  Roseate Tern (Sterna dougallii) [A192]	c. 12km east	Indirect / weak hydrological pathways via: (i) Wastewater which passes through Ringsend WWTP before ultimately discharging to Dublin Bay; (ii) The Royal Canal which is located c. 30m south of the proposed development site and discharges into the Liffey Estuary; and (iii) The public surface water	Yes.

	<p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>		<p>drainage network.</p>	
<p>South Dublin Bay SAC (000210)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>c. 13.7km southeast</p>	<p>Indirect / weak hydrological pathways via:</p> <p>(i) Wastewater which passes through Ringsend WWTP before ultimately discharging to Dublin Bay; (ii) The Royal Canal which is located c. 30m south of the proposed development site and discharges into the Liffey Estuary; and (iii) The public surface water drainage network.</p>	<p>Yes.</p>
<p>North Dublin Bay SAC (000206)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p>	<p>c. 12km east</p>	<p>Indirect / weak hydrological pathways via:</p> <p>(i) Wastewater which passes through Ringsend WWTP before</p>	<p>Yes.</p>

	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>		<p>ultimately discharging to Dublin Bay; (ii) The Royal Canal which is located c. 30m south of the proposed development site and discharges into the Liffey Estuary; and (iii) The public surface water drainage network.</p>	
<p>North Bull Island SPA (004006)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p>	c. 12km east	<p>Indirect / weak hydrological pathways via:</p> <p>(i) Wastewater which passes through Ringsend WWTP before ultimately discharging to Dublin Bay; (ii) The Royal Canal which is located c. 30m south of the proposed development site and</p>	Yes.

	Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]		discharges into the Liffey Estuary; and (iii) The public surface water drainage network.	
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### Identification of Likely Effects:

Specific conservation objectives have been included for the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Dublin Bay SAC (Site Code: 000206), South Dublin Bay SAC (Site Code: 000210) and North Bull Island SPA (Site Code: 004006) to maintain or restore the various qualifying interests by reference to a list of specified attributes and targets.

The potential for significant effects resulting from the proposed development during the construction and operational phases has been determined based on a range of indicators including:

- Habitat loss or alteration;
- Habitat / species fragmentation;
- Disturbance and / or displacement of species;
- Changes in population density; and

- Changes in water quality and resource.

Within the applicant's screening exercise, the following elements of the proposed development were considered for their potential for likely significant effects on European Sites:

*Construction Phase:*

- Uncontrolled releases of silt, sediments and / or other pollutants to air due to earthworks;
- Surface water runoff containing silt, sediments and / or other pollutants into nearby water bodies;
- Surface water runoff containing silt, sediments and / or other pollutants into the local groundwater;
- Waste generation during the construction phase comprising soils, construction and demolition wastes;
- Increased noise, dust and / or vibrations as a result of construction activity;
- Increased dust and air emissions from construction traffic; and
- Increased lighting in the vicinity as a result of construction activity.

*Operational Phase:*

- Surface water drainage from the site of the proposed development;
- Foul water from the proposed development leading to increased loading on wastewater treatment plants;
- Increased lighting in the vicinity emitted from the proposed development; and
- Increased human presence in the vicinity as a result of the proposed development.

*Habitat Loss & Alteration:*

In light of the separation distances between the project and the Natura 2000 sites, it is not considered that there is any pathway for the direct loss or alteration of habitats listed as qualifying interests.



Habitat / Species Fragmentation:

Given that there will be no direct habitat loss associated with the proposed development, it is considered that no habitat / species fragmentation will occur.

Changes in Water Quality and Resource: Construction Phase:

Surface and wastewater drainage from the proposed development will be connected to the existing public mains sewerage networks on Porterstown Road and Diswellstown Road. There are two hydrological pathways between the proposed development site and European sites in Dublin Bay (River Tolka Estuary SPA, North Dublin Bay SAC, South Dublin Bay SAC, and North Bull Island SPA) during the construction phase. Firstly, via the Royal Canal which is located c.30m south of the proposed development site and discharges into the Liffey Estuary, and secondly via the proposed new surface water sewer. During the construction phase, there is a possibility for the discharge / runoff of contaminated surface waters (sediment, silt, oils and / or other pollutants) entering the River Liffey as a result of the construction of the new surface water sewer (the surface water sewer on Porterstown Road appears to ultimately discharge into the River Liffey at Tinkers Hill, Lucan). However, the potential for surface water generated at the development site to reach European Sites within Dublin Bay and to cause significant effects is excluded due to:

- The distance and consequent potential for dilution in the Royal Canal, River Liffey and Liffey Estuary / Dublin Bay. Surface water discharges would have to travel c. 12.5km along the Royal Canal and c. 19km along the River Liffey before discharging into the Liffey Estuary and Dublin Bay respectively.
- The existing natural vegetation buffer (minimum 30m) between the site and the Royal Canal.

In addition, the proposed surface water drainage system includes interception storage, trapped road gullies, a silt trap on the manhole immediately upstream of the attenuation system, and a Class 1 bypass fuel separator. These design features are considered as serving to protect water quality during the construction phase as well as the operational phase. Furthermore, the SUDS features are stated to be a requirement of all new development as per the Greater Dublin Regional Code of Practice for Drainage Works i.e. they are in no way included as a mode of mitigating potential effects on European sites as a result of the proposed development.

Changes in Water Quality and Resource: Operational Phase:

The proposed development will be served by separate foul and surface water sewers with a weak hydrological connection between the site and European Sites in Dublin Bay via this sewerage network.

It is considered that the potential for foul water generated by the proposed development to reach Dublin Bay and result in significant effects is negligible due to:

- The upgrade works to Ringsend Wastewater Treatment Plant which will increase the capacity of the facility from 1.6 million PE to 2.4 million PE.
- Effects on marine biodiversity and the European Sites within Dublin Bay from the current operation of Ringsend WWTP are unlikely.
- The main area of dispersal of the treated effluent from Ringsend WWTP is in the Tolka Basin and around North Bull Island. South Dublin Bay is unaffected by the effluent from the plant.

The potential for surface water to result in significant adverse effects on European Sites during the operational phase is considered to be negligible (noting that the design of the proposal includes for a suite of SUDS measures).

Disturbance and / or Displacement of Species: Construction & Operational Phases:

Petalwort *Petalophyllum ralfsii* is the only Annex II species listed for the SACs linked to the site. Impacts on this species can be ruled out as there is no hydrological connection or alternative pathway between the site and the Petalwort which grows on North Bull Island.

It is considered that the hydrological link between the site and European Sites in Dublin Bay will not result in significant effects on the water quality and resource indicator during both the construction and operational phases. Therefore, the wetlands and SCI waterbirds associated with North Bull Island SPA and South Dublin Bay and the River Tolka Estuary SPA will not be affected by water quality impacts.

In addition, the proposed development does not have the capacity to cause any significant disturbance and / or displacement to any species within any other European Site due to:

- The intervening distances between the proposed development site and the nearest European Sites;
- The lack of any significant ex-situ habitat for QI / SCI species within the proposed development site.

*Changes in Population Density: Construction & Operational Impacts.*

For reasons similar to those previously outlined, it is stated that the proposed development does not have the capacity to cause any significant changes in population density of any species within any European Site.

**Potential for In-Combination Effects:**

*Existing Permitted Developments:*

There are several extant grants of permission in the surrounding area ranging from small-scale domestic extensions etc. to larger-scale residential schemes, including the 'Windmill' development presently under construction, however, it is considered that significant in-combination effects with these works will not arise as:

- The distances between the proposed and permitted developments are sufficient to exclude the possibility of significant effects on European Sites arising from the combined emission of noise, dust, airborne pollutants and / or vibrations emitted from the development site during the construction phase; increased traffic volumes during the construction and operational phases and associated emissions; potential increased lighting emitted from the site during the construction and operational phases; and increased human presence at the site during the construction and operational phases.
- The hydrological link from the proposed development site via the Royal Canal is weak, and in the unlikely event of surface water discharges entering the canal, any such discharges will be diluted to non-discernible levels before entering any European Sites in Dublin Bay.
- The construction phase of the proposed development is of a short-term duration.
- Upgrading works to the Ringsend Wastewater Treatment Plant will increase the capacity of the facility from 1.6 million PE to 2.4 million PE.

### *Relevant Policies and Plans:*

The following policy and plans were reviewed and considered for possible in-combination effects with the proposed development:

- The Fingal Biodiversity Action Plan:

This aims to protect and improve biodiversity, and as such will not result in negative in combination effects with the proposed development.

- The Fingal County Development Plan 2017-2023:

The proposed development site is zoned as '*RS – Residential*' with the stated land use zoning objective to '*Provide for residential development and protect and improve residential amenity*'.

Objectives in the Plan in the vicinity of the development site include:

- To seek the development of the Royal Canal as a significant public amenity while protecting its natural and built heritage (Green Infrastructure Objective GIM10)
- To preserve the existing pedestrian vehicular right of way at the level crossing at Porterstown (Local Objective 137).
- Development of a cycle / pedestrian route.
- Development of a Light Rail Corridor.
- Development of a light Rail Stop.

Following consultations with Fingal County Council, the applicant has ascertained that the section of the Royal Canal Greenway adjacent to the subject site is at preliminary design stage with a planning application to be lodged in the future. With respect to the Light Rail Corridor and the Light Rail Stop proposed at Porterstown, these were to have formed part of Metro West, however, that project was excluded from the National Transport Authority's Transport Strategy for the Greater Dublin Area, 2016-2035 and is not now due to be considered for Government funding until after 2035. The vehicular right at the level crossing over Porterstown Road is to be replaced with a pedestrian / cycle bridge crossing as part of the DART+ West Project which has yet to be lodged for approval.

It is not considered likely that these projects will act in combination with the proposed development so as to result in significant effects on European Sites.

By way of further comment, it should be noted that the expansion of Dublin City is catered for through land-use planning by the various planning authorities with the Fingal County Development Plan, 2017-2023 informing development in the Clonsilla / Porterstown Area. This Development Plan has been subjected to Appropriate Assessment by the Planning Authority which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Furthermore, the subject proposal is for a relatively confined scheme of 99 No. apartment units on serviced lands in an urban area and thus does not amount to a significant urban development in the context of the wider city nor will it generate significant demands on the existing municipal sewers.

*The Operation of the Ringsend Wastewater Treatment Plant:*

Foul water from the proposed development will be drained via the existing foul water drainage network to the Ringsend Wastewater Treatment Plant for treatment prior to discharge into the Liffey Estuary / Dublin Bay. In this regard, Section 3.5.3.3 of the Appropriate Assessment Screening Report states that ongoing and permitted upgrading works at the WWTP will increase the capacity of the facility from 1.6 million PE to 2.4 million PE and will also result in an overall reduction in the final effluent discharge in several parameters including BOD, Suspended Solids, Ammonia, DIN and MRP. The screening exercise subsequently refers to the Environmental Impact Assessment Report undertaken as part of previous planning applications at the WWTP and, more specifically, references the 'do-nothing' scenario (i.e. in the absence of the upgrading works) in the context of biodiversity impacts in Dublin Bay wherein it was predicted that nutrient and suspended solids loads from the WWTP would '*continue at the same levels and the impact of these loadings should maintain the same level of effects on marine biodiversity*' and that '*if the status quo is maintained there will be little or no change in the majority of the intertidal faunal assemblages found in Dublin Bay which would likely continue to be relatively diverse and rich across the bay*'. The screening report thus concludes that significant effects on marine biodiversity and the European Sites within Dublin Bay from the current operation of the Ringsend WWTP are unlikely. Importantly, this

conclusion is not considered to be dependent upon any future works at the WWTP and, therefore, in the absence of any upgrading works, significant effects to European Sites are not likely to arise.

It should also be noted that the Ringsend WWTP operates under a Discharge Licence issued by the EPA and must comply with the conditions attached to that license. In this regard, the additional loadings generated by the proposed development will be negligible particularly in the context of the overall design load capacity of the WWTP and the proposed development will not result in any measurable effect on water quality in Dublin Bay. Therefore, it is considered that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European Sites in, or associated with, Dublin Bay as a result of foul water discharges.

On examination of the foregoing, it is considered that there are no means for the proposed development to act in-combination with any plans or projects that would cause any likely significant effects on any European Sites.

**Mitigation Measures:**

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

**Screening Determination:**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay SAC (Site Code: 000210), the North Dublin Bay SAC (Site Code: 000206), the Rye Water Valley / Carton SAC (Site Code: 001398), the Glenasmole Valley SAC (Site Code: 001209), the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the North Bull Island SPA (Site Code: 004006), or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- The intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the reasons and considerations set out below:

## 9.0 Reasons and Considerations

1. The proposed development site forms part of a key site in the village of Clonsilla zoned as 'RS – Residential' in the Fingal County Development Plan, 2017-2023 with the stated land use zoning objective to 'Provide for residential development and protect and improve residential amenity'. It also forms a significant portion of an undeveloped landbank within the Clonsilla Urban Centre Strategy, 2008 identified as "Opportunity Area Number 5".

Having regard to:

- a) the site location and its relationship with adjoining undeveloped lands;
- b) the absence of an Urban Framework Plan prepared in accordance with Objective Clonsilla 1 of the Development Plan in order to guide and inform future development in the village;
- c) the wider policies and objectives for the development of Clonsilla Village set out in the Development Plan, including the Specific Objective showing an Indicative Cycle/Pedestrian Route passing along the northern site boundary between Porterstown Road and Diswellstown Road; Objective Clonsilla 3 which requires new development in the village to optimise the Royal Canal, where appropriate and possible, as a local heritage resource and public amenity, while protecting its character and biodiversity as a waterway; Objective Clonsilla 5 which aims to secure lands adjacent to the Royal Canal for environmentally friendly and sustainable public access

and public open space; and Objective Clonsilla 6 that seeks to create a network of pedestrian and cycle routes between Clonsilla, the Royal Canal and the adjacent railway stations;

- d) the design principles of connectivity and permeability set out in the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' and the accompanying 'Urban Design Manual: A Best Practice Guide';
- e) the lack of pedestrian and cycle connectivity through the site; and
- f) the potential interaction between the development and the DART+ West and Royal Canal Greenway projects;

it is considered that the proposed development would constitute an uncoordinated developmental approach to the subject site, would be prejudicial to the potential future development of neighbouring lands, and would be premature pending the preparation of an Urban Framework Plan for the development of the area in line with Objective Clonsilla 1 of the Development Plan, with particular reference to those lands identified as "Opportunity Area Number 5" in the Clonsilla Urban Centre Strategy, 2008. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the prominence of the site location alongside the planned Royal Canal Greenway and a future public amenity space, its siting within the highly sensitive 'River Valleys & Canal' landscape character type, and its designation as part of "Opportunity Area Number 5" in the Clonsilla Urban Centre Strategy, 2008, it is considered that the proposed development, by reason of its overall design, architectural treatment, scale, height, bulk, and proximity to site boundaries, would result in a visually dominant and obtrusive feature that would detract from the character of the surrounding urban landscape and seriously injure the visual amenities of the area. Furthermore, the proposed development would fail to provide a satisfactory architectural response to the site context and would result in an abrupt transition in scale relative to the receiving environment. The proposed development, would,



therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the pattern of development in the area and the scale of the development proposed, it is considered that the proposed development, by reason of its scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of overlooking, overshadowing, and visual obtrusion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. Having regard to Specific Planning Policy Requirement 3 of the 'Urban Development and Building Heights, Guidelines for Planning Authorities' issued by the Department of Housing, Planning and Local Government in December, 2018, the identified performance deficiencies in daylight and sunlight provision for the proposed apartments, the alternative compensatory design solutions proposed, and the desirability of achieving wider planning objectives, the Board is not satisfied that the proposed development would not be contrary to the Ministerial Guidelines which have been issued to planning authorities under Section 28 of the Planning and Development Act 2000, as amended, and would not provide a satisfactory standard of residential amenity for future residents.

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Robert Speer  
Planning Inspector

29<sup>th</sup> June, 2022