



An
Bord
Pleanála

Inspector's Report

ABP-313621-22

Development	Construction of commercial and residential mixed use development.
Location	Site to the East of Ulster Bank, Main Street, Blanchardstown, Dublin 15
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW22A/0039
Applicant(s)	Patrick Molloy.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Patrick Molloy.
Observer(s)	1. Michael Collins. 2. Sarah Barrett and Jerry Griffen
Date of Site Inspection	17.07.2023.
Inspector	Mary MacMahon

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1.0 Introduction

- 1.1. This is a First Party Appeal against the planning authority's decision to refuse planning permission for the construction of a four storey mixed use building with retail use on the ground floor and 18 apartments overhead, on a site of 0.0634 ha on Main Street, Blanchardstown.

2.0 Site Location and Description

- 2.1. The site is located on the northern side of Main Street in Blanchardstown, at the eastern end, near the main entrance to the village from the M50/N3. Blanchardstown village is predominantly two storey in height. The village is well served by buses and the site is some 600 metres from Castleknock Train Station. Car sharing is available on the street. Connolly Hospital is less than 500 metres from the site.
- 2.2. The site adjoins the Permanent TSB Bank, a contemporary building, and there are roads on three frontages. The roads to the east and north are private and are one way only, which provide access to a private car park, which continues round the rear of the Black Wolf pub. Deanstown House, which is to the east of the site and the private car park to the rear (with 27 no. car parking spaces) is owned by the applicant. There are a number of retail units that open onto the footpath in the car park. There is two storey residential development beyond the car park, called Millstead. The private car park is approximately 13 metres in width.
- 2.3. The site is used as a temporary car park with a large advertising sign. The site has paladin fencing to the south with block walls to the east and north and has a temporary, hard core surface. The site is generally rectangular in shape but extends across the private road and the footpath of Deanstown House. It is stated as 0.0634 ha in area.

3.0 Proposed Development

- 3.1. The proposed development consists of 6 no. retail units on the ground floor and 18 no. units over three floors. There are 9 no. one bedroom apartments, 8 no. two bedroom apartments and 1 no. three bedroom apartment. The apartments are generally dual aspect, with a southerly aspect. The gross floor area is stated as 1,820 square metres.

- 3.2. Five of the retail units front onto the Main Street, while the 6th unit faces onto the side road, where it is accessed from. Access to the apartments is from the side road. Bicycle parking (28 no.) is provided at ground floor with access from the rear of the building. Storage for the apartments is also provided. A combined refuse area is provided for the retail units and apartments. No staff welfare facilities are shown in the retail units.
- 3.3. The first and second floors provide for duplex units, with apartments at the third floor. Two roof gardens are shown, with two lightwells in the second roof garden. Solar panels and SUDS measures surround the two roof gardens, which obstructs the line of sight to the dwellings to the north.
- 3.4. At first floor, there is access to three apartments (Apartments 4,5 and 6 which are one bedroom units). The living areas of Apartments 1, 2 and 3 face south with balconies within the envelope of the building. The bedrooms of Apartments 7, 8 and 9 face north.
- 3.5. At second floor, access is provided to Apartments 1, 2,3, 7, 8, 9 10, 11,12 and 13. The same criss-cross duplex pattern is repeated.
- 3.6. At third floor, access is provided to Apartments 14, 15, 16, 17 and 18.
- 3.7. All bedroom windows that are north facing are high level.
- 3.8. Nine bicycle parking spaces will be provided outside of Deanstown House.
- 3.9. The gross floor area is stated as 1,820 square metres. The maximum ridge height is stated as 13.25 metres.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Planning permission refused for three reasons. These are summarised as follows:

1. The scale, height and design of the proposed development would be visually dominant in the immediate context and would be visually intrusive on the skyline, on the approach to Blanchardstown village. This incongruity would materially contravene Objectives PM41, PM44 and Blanchardstown 1 of the *Fingal Development Plan 2017-2023* and would be contrary to Objective 4 of the National Planning Framework and set a poor precedent.

2. Poor quality of residential amenity in regard to the design and layout of residential units, storage and refuse facilities, lack of segregated pedestrian access to same, pattern of fenestration, substandard form of communal amenity space, lack of information on sunlight, daylight and noise levels, contrary to Objectives DMS30, NP07 and PM41 of the above development plan.
3. The area is at risk of flooding and nor site specific flood risk assessment has been submitted. The planning authority is not satisfied that the proposed development would not be subject to flooding or increase the risk of flooding elsewhere, materially contravening Objective SW07 and contrary to national guidelines on flood risk.

4.2. Planning Authority Reports

4.2.1. Planning Report

- 4.2.2. The principle of a mixed development is acceptable on this site. Key issues include residential amenity, design, servicing and flood risk. NPO4 of the National Planning Framework is considered the overriding consideration for this proposed development. This requires well designed developments that provide for a high quality urban places for communities. The number of one bedroom units are acceptable given the size of the site. The height is considered excessive and out of scale with the established character of the area (13.25 metres). There are concerns regarding the durability of the proposed finishes. The proposal would materially contravene Objective Blanchardstown 1 of the Fingal Development Plan which requires high quality designs for infill development, which do not exceed 3 storeys.
- 4.2.3. The impacts on residential development to the north appear acceptable in terms of daylight, sunlight and overshadowing. The setback of the roof garden prevents overlooking. The proposed north facing windows are circa 25.3 metres, which is an acceptable distance. However, the 5 metres separation distance with Deanstown House, given the height and mass, would be overbearing on that property.
- 4.2.4. No car parking has been provided and there is concern that this will lead to overspill car parking in adjoining areas.
- 4.2.5. No details have been provided regarding construction.

- 4.2.6. The residential amenity of the proposed units is questioned as while the floor areas exceed 10% above the required minimum, a significant portion of the space is circulation space, rather than usable floorspace. Access is convoluted and rooms are on different levels. Storage space for Apartment 14 is off the communal lobby and the storage space for Apartment 13 is obstructed by bicycle parking. The lightwell in the roof requires screening to avoid overlooking. The balcony of Apartment 13 overlooks a lightwell serving Apartment 1. It is not evident that the apartments achieve an adequate standard of daylighting.
- 4.2.7. The level of dual aspect apartments at 77% exceed the required 33% for this type of town centre location. Floor to ceiling heights at 2.4 metres are acceptable. The roof garden is accessible to all but its utility is questioned, given the need for green roofs and unsuitability for a play area.
- 4.2.8. The proposed development is close to the N3 and maybe subject to noise. No assessment of noise impact has been submitted, so the proposed development would be contrary to objective NP07 and NP01 of the development plan.
- 4.2.9. Access to the bin store and storage area is via the car park to the rear and there is no dedicated footpath to them. This would be hazardous.
- 4.2.10. The future use of the retail units is not known. Conditions specifying retail use and hours of operation are required. Staff welfare areas have not been submitted, nor the waste areas.
- 4.2.11. An exemption certificate has been provided for Part V.
- 4.2.12. The proposed development is in an area of flood risk and a site specific flood risk is required.
- 4.2.13. No on-site attenuation has been provided for surface water. A green roof would assist in this regard.
- 4.2.14. The public and private footpath to the front should be defined in terms of surface finishes. The increase in width to 3 metres would maximise the footpath.
- 4.2.15. Notwithstanding the site's proximity to high capacity public transport, the absence of any designated car parking is not acceptable. The proposed development would generate a requirement for 24 spaces for residential uses and 19 spaces for the retail uses. Some 37 bicycle parking spaces are required for the proposed development and

only 28 have been provided. Clarification in relation to individual lockable cycle storage and provision for cargo bikes is required. E-bike parking spaces should be identified.

4.2.16. EIA can be screened out at preliminary examination, by virtue of the size and scale of the proposed development.

4.2.17. There is no pathway to any Natura 2000 site and so no significant effects on any European sites. There are no plans or projects which individually or in combination would have a significant effect on any European sites. The assessment was undertaken without taking mitigation measures into account.

4.2.18. In summary, the proposed development would seriously injure the visual amenities of the area and be highly visible. The future residential amenities are unacceptable due to the design and to the lack of carparking and would give rise to overdevelopment on a constrained site. Flood risk has not been established on site. Refusal is recommended.

4.2.19. Other Technical Reports

Transport Planning Section

- Increase in width of footpath to 3 metres at the front building line is acceptable but different finishes should be used to demarcate the different ownership boundaries.
- 24 no. car parking spaces for the apartments and 19 car parking spaces for the retail development are required. While the site is located on a high frequency public transport where a bus connect route is planned, in the absence of dedicated parking, overspill residential parking could arise.
- 37 no. cycle spaces for the residential units and 28 cycle spaces for the retail development are required. The access to the cycle parking is to the rear of the building and residents would have to double back to enter their apartments. E-bike spaces should be considered. Further Information is recommended.

Water Services

- Surface water is discharged to existing. No attenuation has been provided. A green roof would be appropriate. The site is located in an area of flood risk and a Flood Risk Assessment is recommended. Further Information is recommended.

4.3. **Prescribed Bodies**

- 4.3.1. DAA – no comment.
- 4.3.2. IAA – no comment.
- 4.3.3. Uisce Eireann – recommend conditions.

4.4. **Third Party Observations**

- 4.4.1. Six submissions received by the planning authority, which are summarised in the planner's report. The themes of the submissions are reflected in the observations submitted, which are summarised in Section 7.4.

5.0 **Planning History**

- 5.1. **FW20A/0062** - Permission refused for retention of a second advertising structure , 6.3 x 3.3m in area.
- 5.2. **FW20A/0061** – temporary car park for granted planning permission for 3 years, on 31.08.2020
- 5.3. **ABP 304431-19 (FW18A/0122)** – three storey over basement commercial building (1,570 square metres) permitted 16.08.2019 on a site of 0.2535 ha. The footprint of the proposed development is similar to the current.
- 5.4. **FW09A/01283/E1** – two storey over basement mixed use development, (1,386 square metres), permitted and expired 15.05.2020.
- 5.5. **F08A/0241** – Permission refused for a 4 storey over basement commercial building (2,065 square metres).

6.0 Policy Context

6.1. Development Plan

- 6.1.1. Please note that the development plan has changed since the decision on this planning application was made and the current development plan is the *Fingal Development Plan, 2023-2029*. In this regard, the policies cited as reasons for refusal no longer are current. Where relevant, I have assessed the application in terms of similar policies now applicable.
- 6.1.2. The site is zoned 'TC' Town and District Centre. Retail and residential use are permitted in principle. Blanchardstown is located within the Dublin City and Suburbs area. It is anticipated that 1,761 residential units could be delivered on 90 ha of zoned land. The potential yield is higher at 4,495 units. The site falls within the area for which a Framework Plan for Blanchardstown is intended.
- 6.1.3. Policy CSP12 – NPF and RSES is to encourage compact growth and encourage infill / brownfield development and promote increased densities along public transport corridors. Policy CSP14 – Consolidation and Re-Intensification of Infill/Brownfield Sites is to support the consolidation of these site to provide high density and people intensive uses in the existing built up area of Dublin City and Suburbs. Policy CSP18 – Promotion of Residential Development seeks to support residential development in regeneration areas and vacant and underutilised sites. Various other objectives promote higher densities in urban built up areas, proximate to public transport. Town centre regeneration is to provide for residential and mixed use development.
- 6.1.4. Blanchardstown is described as having one of the highest population density in the Eastern and Midlands Regional Authority, with a density of 4,826 persons per square kilometre (page 26). It is the largest settlement centre in Fingal and is a Level 2 'Major Town Centre'. It is a key employment centre for Foreign Direct Investment, Connolly Hospital, TU Dublin and the National Sports Centre. Policy CSP20 – Blanchardstown is to consolidate the growth of Blanchardstown by encouraging infill and brownfield development and compact growth. Student accommodation is to be encouraged in appropriate locations. Policy CMP20 is to support and facilitate a high quality transport interchange in Blanchardstown. The village of Blanchardstown is considered a Level 4 retail location.

- 6.1.5. Development management standards include Table 14.3 which considers Brownfield Opportunities and Regeneration. It sets out a number of parameters to guide this type of development. It refers to a 'quality design aesthetic which respects and enhances its context and integrates with its surroundings'. Architectural character is to be respected and the public realm enhanced. Height, massing and urban grain shall be considered in its context. Residential densities will be appropriate.
- 6.1.6. Increased building height in locations with good public transport accessibility will be pursued. Blanket numerical limits will not be set on building height. A separation distance of 22 metres is required and this should be increased where residential development is over three storeys, where overlooking or overshadowing occurs.
- 6.1.7. Bicycle parking standards for residential units are 1 space per unit plus 1 per bedroom for residents and 0.5 per unit for short stay visitors. Convenience retail requires 1 per 60 square metres long stay and 1 per 60 square metres short stay.
- 6.1.8. Car parking requirements are maximum standards. 0.5 spaces per 1 to 2 bedroom residential unit and 1 per 3 bedroom unit within 800 metres of a quality bus corridor.

6.2. National Planning Framework 2018-2040

6.2.1. The *National Planning Framework* is the national plan that sets out the strategic path to growth and development in Ireland until 2040.

6.2.2. Relevant Policy Objectives include:

- **National Policy Objective 4:** To 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.
- **National Policy Objective 32:** To target the delivery of 550,000 additional households to 2040.
- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 57:** Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate

development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

6.3. **Section 28 Guidelines**

6.3.1. Please note that these Section 28 Guidelines were consulted and where relevant, sections are included in the Assessment Section of this report.

- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009.
- Urban Design Manual, A Best Practice, 2009.
- Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
- Design Manual for Urban Roads and Streets, 2019.
- The Sustainable Urban Housing: Design Standards for New Apartments, 2022.
- The Planning System and Flood Risk Management Guidelines, 2008.
- Guidelines for Planning Authorities Retail Planning, 2012.

6.4. *Climate Action Plan 2023* refers to the need to reduce car parking, both for developments and on-street. Alternative construction materials should be substituted for high carbon products.

6.5. **Natural Heritage Designations**

6.5.1. Having regard to the vacant condition of the site which is covered in hardcore, the nature of the proposed development, which is a mixed use building with a gross floor area of 1,820 square metres, its location in a town centre environment reliant on the public water supply and drainage arrangements, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site. This screening has been undertaken without consideration of mitigation measures.

6.6. EIA Screening

- 6.6.1. A Preliminary Examination was carried out. Please see Form 2 at the end of this report. Having regard to the nature of the proposed development, a mixed use retail and apartment block, of limited size, in a town centre location, there is no real likelihood of significant effects that would impact on the environment arising from the proposed development. It is concluded that an EIA is not required.

7.0 The Appeal

- 7.1. The agent of the First Party, Stephen Molloy Architects, has submitted the appeal, as well as revised drawings, 3D views of the apartments, flood risk report and daylight assessment.

7.2. Grounds of Appeal

- The application should have been subject to a Further Information request.
- While higher than the surrounding buildings, the design is well considered.
- The ground floor shop units are as per the permitted development on site under FW18A/0122 (parapet height 10.8 metres). The proposed building is one storey greater in height than that permission and the additional floor is only marginally above the height of the permitted building, as that building was commercial with higher floor to ceiling height (3 metres vs. 2.4 metres). The additional floor is also setback, reducing its prominence.
- The proposed development will bring much needed residential development to the village and has a town centre land use zoning objective.
- There is precedent for similar height on Main Street, albeit a Protected Structure.
- The design and layout of the apartments comply with the standards set out in national apartment guidelines. The units have been elongated to ensure that they achieve dual aspect and are larger to compensate for this.

- Wheelchair access to all rooms is not possible – no more than for a two storey house.
- Storage for some of the units has been supplied at ground floor and this is acceptable in the guidelines. The lift is adequate for the number of residential units served.
- The refuse facilities will be shared, but twice weekly collection can be provided.
- A walking zone has been provided to facilitate pedestrian access to the refuse and storage area - similar to that found in multi-storey or basement car parks. The maximum distance from any apartment is 28 metres.
- The pattern of fenestration and finishes are similar to that of the permitted building and are in keeping with general apartment style fenestration.
- A roof garden provides community amenity space and is larger than minimum requirements. It is divided in two and a children's play area could be provided, as could a green roof.
- Deanstown House is a commercial building and so the separation distance of 5 metres is acceptable to provide privacy. If a 22 metre separation distance is required from this building, then the site is essentially sterilised.
- Cycle parking – 28 no. spaces are provided and 9 additional spaces can be provided, as shown on enclosed drawings. The storage area has been redesigned to provide secure lockers for bikes as well as e-bike charging.
- No car parking is provided and this is considered appropriate in this town centre location.
- Due to the small size of the site, certain derogations are provided in national guidelines and these should be allowed for in this application, such as for car parking.
- Daylight - a report has been submitted by Chris Shackleton Consulting. It relies on an analysis of Apartments 02 and 03. It shows that the units comply and exceed the BRE ADF requirements under BR 209 and BS:8206-2:2008 standards (1% for bedrooms and 2% for combined Kitchen Living and Dining rooms), meet the Annual and Winter Possible Sunshine Hours and that the roof

garden will received sunlight on 21st March on 85% of its surface, exceeding the 50% BRE requirement.

- The schemes has been designed to consider the privacy of both existing and future residents.
- Flood risk – a scoping flood risk prepared by Gordon White Consulting Engineers. It finds that the floor levels are circa 5 metres above the highest records flood levels and 2 metres above the highest projected flood levels, so no detailed flood risk assessment is required in this instance.
- 3d models of each apartment are provided to explain their layout.
- The proposed development will sit comfortably in Main Street and has been designed to take cognisance of its surroundings and add life and vitality to the streetscape, which is varied.
- The proposed development complies with the 12 urban design criteria as set out in the *Urban Design Manual Best Practice Guide, 2009*.

Criterion	Assessment
1. Context: How does the development respond to its surroundings?	The proposed development will take a stepped building line from the bank and Deanstown House. Balconies have been internalised and will offer passive surveillance of the street.
2. Connections: How well is the new neighbourhood / site connected?	The footpath will be widened from 1 metre to 3 metres, significantly improving pedestrian connectivity.
3. Inclusivity: How easily can people use and access the development?	Universal access and a Disability Access Certificate will be provided.

<p>4. Variety: How does the development promote a good mix of activities?</p>	<p>Mixed use building.</p>
<p>5. Efficiency: How does the development make appropriate use of resources, including land?</p>	<p>The height is the minimum required under the 'Urban Development Building Height Guidelines'.</p>
<p>6. Distinctiveness: How do the proposals create a sense of place?</p>	<p>Landmark building of contemporary design.</p>
<p>7. Layout: How does the proposal create people-friendly streets and spaces?</p>	<p>Creates a terrace along the main street.</p>
<p>8. Public realm: How safe, secure and enjoyable are the public areas?</p>	<p>Adds to the public realm by widening the public footpath and provides passive surveillance.</p>
<p>9. Adaptability: How will the buildings cope with change?</p>	<p>Variety of types and sizes, allowing for a range of occupiers.</p>
<p>10. Privacy / amenity: How do the buildings provide a high quality amenity?</p>	<p>Balconies face south and east. Roff garden provided. No overlooking of other residential properties.</p>
<p>11. Parking: How will the parking be secure and attractive?</p>	<p>Car free but 37 no. bicycle spaces provided.</p>

12. Detailed design: How well thought through is the building and landscape design?	Very carefully thought out to maximise amenity and minimise costs for future residents.
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- The proposed development complies with shopfront policy and signage, to ensure that the proposed development lines are clean and sharp.

7.3. Planning Authority Response

- The proposed development is not an appropriate design response.
- The issue of flooding still remains.
- The future residential amenity is not adequate.

7.4. Observations

7.4.1. Two observations have been received. The observers reside in Millstead, to the rear of the car park. The grounds are summarised below and there is a degree of overlap.

7.4.2. *Michael Collins:*

- There is already significant car parking pressure in the village and the loss of the temporary car park would add to this pressure. The scale of the proposed development would generate a significant degree of car parking demand, both from the proposed residential and commercial uses, given that up to 53 persons and guests could reside there and the staff and customers of the 6 no. retail units.
- The building is too big and the design is out of character with the area. The fenestration is not appropriate.
- The proposed development will detract from existing residential amenity due to its scale, design, loss of light, overlooking, overshadowing, noise and disturbance during construction.

- The single lift is inappropriate for the scale of development. Refuse collection, noise from the rooftop gardens, overcrowding etc. would result in negative outcomes for existing residents.
- The National Planning Framework should not override local plans – otherwise what is the point of local plans?
- The historical building is not a suitable precedent – it is to the rear of Main Street and is not visually unobtrusive.
- The reliance on internal stairs for future residents detracts from future residential amenity. The storage is poor quality and insufficient. The use of opaque screens around balconies is symptomatic of the problems with the design.
- The refuse area is more than 28 metres as one has to navigate the proposed building first. The drawings are inaccurate in not showing the footpath beside Deanstown House.
- No fast food outlets should be allowed.
- Access to the bicycle storage area is through a car park. Two footpaths are required, to provide for Deanstown House units.
- The proposed development is gross overdevelopment.
- The observation includes photographs from the observer's dwelling.

2. Sarah Barret and Jerry Griffen

- Loss of light and right to light, noise, lack of parking, overlooking, fire risk and disruption.
- Concur with the planning authority's reasons for refusal.
- Millstead already suffers from overspill car parking.

8.0 Assessment

8.1. The main issues in this appeal are:

- The acceptability in principle of the proposed development.
- Site Constraints, Design and Height.
- Impact on residential amenities.
- Car and bicycle parking.
- Flooding.

8.2. *Acceptability in Principle*

8.2.1. The proposed development is a mixed use building with retail on the ground floor and apartments overhead. It is located in the town centre zoning objective and the uses are acceptable in principle. There is an objective that the council would prepare a Framework Plan for the village and the site falls within this area. It is one of the few sites that is undeveloped. Having said that, the site is limited in area and the proposed development provides for a widened public realm onto Main Street. I am satisfied that the development of this site would not prejudice the delivery of a Framework Plan, as an appropriate setback has been allowed. The observers are concerned about the loss of the temporary car park on site, which would place additional pressure on car parking demand in the area. The use of this site as a car park is not appropriate or sustainable in the long term. It detracts visually from Main Street, which requires enclosure at this location. Therefore, like the planning authority, I consider the proposed development acceptable in principle.

8.3. *Site Constraints, Design and Height*

8.3.1. The site is a relatively small and tight area to be redeveloped. The site area is stated as 0.0634 ha, but a significant portion of that is not available for development, as it extends across the frontage of Deanstown House. Being less than 0.25 ha, the site benefits from certain flexibilities in *The Sustainable Urban Housing: Design Standards for New Apartments, 2022*.

8.3.2. The depth of the site shortens from west to east and the developable area (excluding the 3 metre setback for the public footpath) varies between circa 21 metres and 16 metres. A standard apartment depth would be of the order 7 to 8 metres. A circulation

corridor is 2 metres in depth. While the depth of the site would allow for two rows of apartments to be accessed off a central corridor (a more conventional layout), the difficulty arises in relation to the aspect of the second row of apartments, which would be north facing. Single aspect north facing apartments are generally discouraged national guidelines, unless they overlook a pleasant view. In this case, the view over the car park is unlikely to qualify. Therefore, the proposed development has been designed so that main living areas face south. The applicant has also been careful to consider the dwellings on Millstead and limit overlooking of the rear gardens, some 13 metres to the rear garden boundary and the fenestration to the north is high level. This would make it difficult to achieve adequate daylight levels for kitchen/living/dining rooms, but would be acceptable for bedrooms. The applicant has been innovative in providing an apartment layout that maximises daylight and sunlight to the main living areas, provides for dual aspect and larger size living spaces. However, in order to achieve this, the layout is reliant on internal circulation spaces within the apartments, which gives rise to this convoluted design, as the planning authority has described it and questions the residential amenity of same. This will be discussed at 8.4 of this report.

- 8.3.3. The number and extent of retail units on the ground floor is a matter of concern. Six no. units are proposed. However, three of these units are less than 50 square metres in area. There are no staff welfare facilities indicated – kitchen, toilets etc and after these are provided, there is very limited sales area, which puts the viability of these units into question. There is no dedicated commercial waste area shown in the units – instead it is stored with the residential waste and appears to be mixed in it, which is inappropriate. Both residents and commercial users are required to step onto the carriage way or car parking space to access the refuse storage and bicycle storage areas. There is no direct internal route to these areas. On appeal, a pedestrian walkway is indicated on the surface carpark. This approach is standard in basement and multistorey car parks. However, I am not convinced that the proposed walkway is optimal in this location as it moves pedestrians onto the outside of a blind corner into the path of vehicles where visibility is limited. In similar situations in basements and multistorey car parks, views through these areas are less obstructed. I consider that the proposed pedestrian route would endanger users and give rise to a traffic hazard.

- 8.3.4. The ground floor layout does not provide for essential, everyday activities within the site and is reliant on areas outside the site to facilitate these activities, which can only be done in an unsafe manner (by walking through the car park). This is indicative of overdevelopment.
- 8.3.5. Both the planning authority and the observers have concerns about the four storey height of the building, in an area that is predominantly two storey with some three storey. The parapet height of the proposed development is stated as 13.25 metres, while the shoulder height is approximately 9.8 metres. I do not consider that the staircore will be visible from Main Street. The *Urban Building Development Height Guidelines*, referring to the National Planning Framework National Strategic Objective, of compact urban growth, anticipate that four storey is the default objective for existing urban areas (para 1.9). It refers to building height in suburban, edge locations of cities and towns and expects that apartment development is to be a minimum of four storey in height.
- 8.3.6. The current development plan has no restriction on building height and recognises that increased building height should be pursued where there is good transport accessibility is provided. I am of the opinion that county development plan policy and national policy recognises that building heights have to be increased in existing areas over the predominant height and that four storey development in urban locations is the preferred minimum, unless particular circumstances require otherwise.
- 8.3.7. In this case, the site is not excessively prominent or in a sensitive location from a built heritage perspective. I note references to the protected structure to the rear of Main Street. It is not readily apparent from Main Street and does not serve as a precedent for height, in my opinion. The main impediment to height in this location arises from the relationship between the site and Millstead, the residential development to the north. This will be discussed in more detail below.
- 8.3.8. The design of the proposed development is contemporary in nature. I note that recent developments in Blanchardstown have taken the same approach. I consider that the eastern corner of the building with its full floor to ceiling height fenestration is less successful. That could be subject to redesign. However, the overall approach is appropriate and would be in accordance with NP04 in the *National Planning Framework*, the objective is to create attractive, liveable well designed urban areas.

- 8.3.9. There is a balcony proposed on the western elevation. This would impact on the development potential of the bank building to the west and is not considered acceptable.
- 8.3.10. The planning is concerned that the render finish will not wear well over time. However, this is the most prevalent finish in the area. From a climate action perspective, render finish has less of a carbon footprint than brick finish. Therefore, I consider the proposed render finish consistent with the design of the proposed building and its surrounds.
- 8.3.11. In summary, I consider that the nature of the proposed development, its height and design to be broadly acceptable. However, the volume of development proposed is excessive and relies on land outside of the site for the normal functioning of the building. The proposed development constitutes overdevelopment of this restricted site.

8.4. *Impact on residential amenities*

- 8.4.1. The proposed development is north of the existing residents on Millstead (no.s 20, 21 and 22). It will give rise to some overshadowing of rear gardens. The extent of shadowing is not quantified, but the report submitted with the application indicates that the gardens will not experience a significant decrease in sunlight over 2 hours at midday on 21st March (the industry standard). These gardens currently experience high levels of daylight and sunlight at present with the site being vacant (save for overshadowing from their own boundary walls). The extent of the increase in shadowing of these gardens would come within acceptable levels of impact, in my opinion, given the limited change in sunlight received.
- 8.4.2. The impact on the Vertical Sky Component (VSC) of the windows of these three houses to the north does not exceed 0.8. The Annual Hours of Probable Sunshine and Winter Hours of Probable Sunshine were tested and the impacts of the proposed development come within an acceptable level of impact. I note that there is impacts on the ground floor windows, particularly in winter, but the amount of sunshine still received exceeds the 5% level, which is the test in BRE:209.
- 8.4.3. In relation to overlooking, the distance between windows of the proposed development and the main rear walls of the dwellings at Millstead vary between circa 25 metres and 23.5 metres. The planning authority consider this an acceptable distance and I would

concur with this. The roof garden has been designed so that it is set back 4.3 metres from the rear elevation so that direct lines of sight into the rear gardens are avoided.

- 8.4.4. Given that there is approximately 13 metres from the ends of the gardens to the proposed rear elevation, this distance would ensure that the proposed development is not overbearing on the existing properties.
- 8.4.5. I am satisfied that the construction of a four storey building on the site would not give rise to serious injury of the existing residential amenities.
- 8.4.6. Fire safety is a separate code from planning and any development permitted will be subject to a Fire Safety Certificate.
- 8.4.7. The residential amenity of future residents is relevant as well. The concern for residential amenity has been a feature of the design of the proposed development, but it has been necessary to offset some of the issues that arise from the design of the proposed development. For example, the depth of Apartments 1, 7 and 13 has been mitigated by the provision of a lightwell to increase daylight to the units. I note the planning authority's concern about overlooking within the proposed development. I do not consider this a significant issue, given the angle of view that would be available. However, lightwells are difficult to maintain and isolated and can deteriorate overtime. Therefore, their use should be limited. I also refer to the impact on development potential of the adjoining property above. It is another indication that the design of the proposed development is creating problems that it is trying to solve for.
- 8.4.8. A report by Chris Shackleton Consulting has been enclosed in the appeal that analyses two apartments in terms of the daylight and sunlight achieved. While an analysis of all the apartments would be a more standard approach, given the short time available for the appeal, the two apartments chosen, are the 'worst case' units. The units are Apartments 2 and 3. The calculations are based on the BRE guidance BR 209 and BS 8206-2:2008. The 2022 Apartment Guidelines reference BR 209:2022, which no longer includes Average Daylight Factor (ADF) as a measure. Notwithstanding this, the figures still provide useful information for analysis. The ADF for the living/dining/kitchen area is 3.2 in Apartment 2 and 2.5 in Apartment 3. This exceeds the old standard of 2.0. The bedrooms are 1.7, 1.8, 1.7 and 1.2 respectively, which exceed the old 1.0. Therefore, while ADF is no longer the industry standard, I am satisfied that that the rooms are reasonably well lit. I am conscious that the

bedroom in Apartment 3, at 1.2 is at the second floor, which would give a better result normally than rooms at a lower level. In this case, the window faces west and is narrow. The floor plans seem to show a second window facing north shared between two apartments, but this is an error, in my opinion. The south facing living rooms perform well in relation to Sunlight (Annual Probable Sunlight Hours at 27% and 26% of Winter Probable Hours (25% and 5% being the standards).

- 8.4.9. All the apartments have their own private open space and these meet the appropriate standards. Storage space is divided between the apartment living space and storage at ground floor. There are benefits of having storage space for heavy goods at ground floor. The planning authority identified the difficulty in accessing the storage space for Apartment 13. This was rectified on appeal, where the cycle spaces were removed and secure lockers installed as replacement. This approach is considered acceptable.
- 8.4.10. Communal open space is provided at rooftop level. The area exceeds minimum requirements. Access is by way of lift and stairwell. The roof is divided into different areas to provide for solar panels for renewable energy around the edge, then two spaces separated by landscaping and with screening so as to prevent overlooking into Millstead. A lightwell is provided for Apartment 14 in the middle of the westerly communal garden, to provide natural light to the kitchen area. This is not ideal in terms of the breakup of the communal open space. I note that the planning authority considers that part of the roof area could cater for SUDS provision to attenuate and clean rainwater. The communal open space could be improved, but this could be achieved by way of condition. I do not think that a children's play area should be included in the communal open, given the small number of residential units on site and as there is a playground in the nearby Waterville Park. I note that the roof garden achieves 85% of 2 hours of sunlight on 21st of March, where greater than 50% is the standard.
- 8.4.11. Two of the 18 no. apartment units are three person units. SPPR 2 of *The Sustainable Urban Housing: Design Standards for New Apartments* allows for sites that are less than 0.25 ha to have any mix of units in the first 9 no. apartments, and thereafter, no more than 50% to be more than one bedroom or three bedroom. Paragraph 3.7 states that no more than 10% of the units can be a three person unit. In this case, the flexibility of the first 9 apartments apply and there is only one other unit in the remaining 9 of

this type. However, Apartment 3 has the single bedroom on a separate floor from the rest of the unit, which points to the difficulties that the design of the building creates.

- 8.4.12. Overall, as identified by the planning authority, the complexity of the proposed development has resulted in a significant amount of circulation within apartments that is considerably above the norm. The benefits has been south or east facing living rooms, which increases in the standard of daylighting and sunlight achieved, outweighs the internal circulation issues. Staircases are the norm in housing.
- 8.4.13. The planning authority is concerned about the separation distances between the proposed development and Deanstown House, which could give rise to overlooking. There is approximately 5 metres between the two. The living areas of Apartments 4, 5, 6, 10,11, 12, 16, 17 and 18 and bedrooms of Apartments 5,11 and 17 face towards Deanstown House, which is a commercial property. I do not share the planning authority's concerns. Close overlooking on an urban street is consistent with the urban environment and contributes to passive surveillance.
- 8.4.14. The proposed development provides for one core, which is a lift and staircase. The observers are concerned that this is not sufficient for a building with an occupancy of up to 53 persons. I would consider that one lift serving 18 apartments in total is adequate. The impact of the location of the core however, is prevent internal access to the refuse and bicycle storage areas. This difficulty would be overcome if the access to the apartments was via Retail Unit 3 and would obviate the need for the external access through the car park.
- 8.4.15. In relation to noise, I do not consider that the general noise environment at this location is excessive and I do not consider that a noise assessment report is necessary.

8.5. *Car and bicycle parking*

- 8.5.1. The proposed development is not providing any car parking on site. The planning authority did not refuse planning permission on this basis, but the Transportation Section considered that overspill car parking could become an issue on roads in the vicinity of the site. This concern was echoed in the Observers submissions. Given the availability of high quality transport in the area, as well as large employment centres within walking distance, I do not consider that car parking is required on this site. This is consistent with *Climate Action Plan 2023*.

8.6. *Flooding*

- 8.6.1. The planning authority considered that the site is located in an area at risk of flooding. Since the decision of the planning authority, the Fingal Development Plan 2023-2029 applies. The flood zones maps prepared for the development plan shows that the site is not located in an area at risk of flooding. I note the report by Gordon White Consulting Engineers which accompanies the appeal. It identifies that in the CFRAM mapping, which is under review, the site is circa 75 metres from the proposed worst case scenario, which is on the 50 metre contour. The finished floor level of the site is 51.85 metres OD. There is no attenuation on site at present. Any excess run off will pass from Main Street through the car park to the rear and onto Mill Street. The highest recorded level of flooding in the vicinity of the site was at circa 47metres OD. I am satisfied that that the proposed development is not at risk of flooding and that development on this site will increase flood risk elsewhere.

9.0 **Recommendation**

- 9.1. I recommend that planning permission be refused.

10.0 **Reasons and Considerations**

1. Having regard to the limited size of the site and the layout of the ground floor of the proposed development, the location of the refuse store and bicycle store, which is reliant on occupants to access these areas outside of the site through a car park, where forward visibility from vehicles would be limited, it is considered that the proposed development would not provide for an adequate level of residential amenity and pedestrian and cyclist safety. The proposed development would endanger public safety by reason of traffic hazard.
2. It is considered that the proposed development constitutes overdevelopment of a restricted site, where retail units fail to provide for staff welfare facilities, commercial and residential waste storage are combined and there is no internal access to these facilities. The proposed development would seriously injure the

amenities of future occupants and would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would seriously injure the amenities of adjoining property and would interfere with the development potential of that property by providing an ope onto it. The proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary	Mac	Mahon
Senior	Planning	Inspector

27th July, 2023

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	<ul style="list-style-type: none"> ABP 313621-22 	
Proposed Development Summary	<ul style="list-style-type: none"> Construction of mixed use building – 6 no. retail units and 18 no. apartments with a gross floor area of 1,820 square metres on a site of 0.0634 ha 	
Development Address	<ul style="list-style-type: none"> Site to east of bank, Main Street, Blanchardstown, Dublin 15 	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants? 	<ul style="list-style-type: none"> Mixed use building (retail and apartments) in town centre Waste is not significant 	<ul style="list-style-type: none"> No No
<ul style="list-style-type: none"> Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other 	<ul style="list-style-type: none"> The height of the building is four storeys where two and three storeys predominate No other significant sites in the immediate vicinity 	<ul style="list-style-type: none"> No No

existing and/or permitted projects?		
<ul style="list-style-type: none"> Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<ul style="list-style-type: none"> No ecological sites in the vicinity. Area is not environmentally sensitive. 	<ul style="list-style-type: none"> No No
<ul style="list-style-type: none"> Conclusion 		
<ul style="list-style-type: none"> There is no real likelihood of significant effects on the environment. EIA not required. Confirmed 	<ul style="list-style-type: none"> There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out. N/A 	<ul style="list-style-type: none"> There is a real likelihood of significant effects on the environment. EIAR required. N/A

Inspector: Mary Mac Mahon Date: 27th July, 2023

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)