



An
Bord
Pleanála

Inspector's Report

ABP-313792-22

Development

Demolition of house and outbuildings.
Construction of apartments block comprising of 59 units and associated site works. AI received 22/4/2022, AI deemed significant, Revised public notices (SAI) received 29/04/22

Location

The Lodge, Clonsilla Road, Clonsilla, Dublin 15

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

FW21a/0244

Applicant(s)

Deanbay Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Tony Nolan.

Observer(s)

Frances & David McClelland.

Date of Site Inspection

6th of October 2023.

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.48ha and is located in the western end of the village of Clonsilla. It is on the northern side of the R121, Clonsilla Road, approximately 100m to the north of Clonsilla train station. The surrounding area is predominantly residential in character with older single storey houses to the south of the site at Larch Grove, and newer two-storey houses in Porter's Gate on the opposite side of the R121 to the west and north.
- 1.2. Directly adjoining the site to the west are two single storey houses, No's 1 and 2 Churchview. No. 3 Churchview is a single storey house on its own site to the south-west of the site. St. Mary's Church and graveyard is further to the west of the site. The church is listed on the Record of Protected Structures, (Ref. 705), and there are three National Monuments within the confines of the church grounds.
- 1.3. Adjoining the site to the north and east are vacant lands that are subject to an extant permission, (PL06F.249188, (FW16A/0176)), for a housing development with a three-storey apartment block proposed to the east and two storey houses proposed along the northern site boundary. Further east is a neighbourhood centre with a Lidl and some smaller commercial units which was also permitted under the same application.
- 1.4. The site is currently vacant and overgrown. There are two buildings on the site, a vacant 20th century house and an outbuilding in the north-western corner of the site. A ruin is also in place along the southern boundary. The northern and western boundaries are defined by concrete block walls while the eastern and southern boundaries are defined by tree lines and traces of post and wire fencing. Vehicular access to the site is from the southern site boundary and from a local access road close to the junction with the R121. This access road currently has some pay and display parking in place outside the site entrance and there is a narrow pathway bordering the southern site boundary which leads to the neighbourhood centre.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of a two-storey unoccupied house and outbuilding (with a combined floor area of c. 254.6sqm) and the construction of

an apartment block comprising 59 no. units (23 x 1-beds, 34 x 2 beds, and 2 x 3 beds), all with balconies or terraces. Car parking for 15 cars would be provided with 12 under-croft spaces and the remaining at surface level.

- 2.2. Vehicular access would be from Clonsilla Road and would require the removal of two on-street, pay and display parking spaces. Cycle parking for 137 bicycles would be provided, (107 resident spaces and 30 visitor spaces). Additional development works would include landscaping, boundary treatments, bin stores, and services provision including ESB substation.
- 2.3. The development was altered through further information and setbacks were proposed at the third level of the north-western corner, (Core A), and at the second and third levels of the block fronting onto Clonsilla Road, (Core B). This resulted in the omission of 2 apartments, (1 x 1-bedroom unit and 1 x 2-bedroom unit). The revised proposal comprised 57 units comprising, 22 x 1-bedroom units: 33 x 2-bedroom units and 2 x 3-bedroom units.
- 2.4. Additional alterations were made to the fenestration and external façades. The number of car parking spaces was increased to 21 which allows for 18 residents parking spaces, 1 visitor space, 1 accessible space and 1 car sharing club space. The ESB substation was also moved further north in the site to provide a better separation between the existing houses.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted by the PA subject to 25 planning conditions which were mainly standard in nature. The following conditions are of note:

- Condition No. 4 (g) – requires that a tree and hedgerow bond be lodged with the Local Authority to ensure their protection.
- Condition 10 (a) – requires the provision of a 3m shared space to accommodate pedestrians and cyclists along the front boundary of the development.

- Condition 10 (b) and (c) relate to the provision and control of pedestrian gates to the north of the site.
- Condition 10 (d) – requires that the developer pay a special contribution under Section 48 (2) (c) of the Planning Act for the permanent removal of on-street pay and display parking.
- Condition 10 (e) – requires that the developer pay a special contribution under Section 48 (2) (c) of the Planning Act for the provision of controlled on-street parking.
- Condition No. 21 – requires a financial contribution in lieu of a shortfall of 0.23ha in public open space.
- Condition No. 23 – requires a financial contribution in lieu of a shortfall in open space in the development.
- Condition No. 25 – requires that the developer pay a special contribution in respect of the Clonsilla to Dunboyne (Pace) Railway Line.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the Planning Authority was informed by two reports from the Planning Officer, (PO). The first report dated the 10th of February 2022 recommended that further information, (FI), be requested. The second report dated the 26th of May 2022 assessed the information submitted by the applicant and recommended that planning permission was granted.

The first report of the PO includes the following:

- Under the 2017-2023 Development Plan the subject site had two zoning objectives: residential, (RS), to the west of the site and town centre, (TC).
- The PO notes that the density of 122.92 units per hectare is at the upper level for the site and that the amenity and design would need to be at a high standard to justify the density.

- The PO acknowledges that the extensive mature trees and landscaping within the site form an important character of the Village, as well as the scale of buildings at this part of the village. This is reflected in Objectives Clonsilla 2 and 4 of the Development Plan which reference the height for new development.
- Whilst national policy, set out in the NPF, would support the development on sites of this nature, i.e. within a settlement etc., the specific site context must also be considered.
- It is critical that the trees and hedgerows are retained along the southern boundary of the site in order to protect the character of the village.
- The predominant housing typology in Clonsilla is two-storey, three and four-bedroom houses. Within this context the proposed mix of mostly two and three-bedroom units is acceptable.
- The PO notes that the apartments comply with the minimum floor areas and standards for private open space as set out in the Sustainable Urban Housing Design Standards for New Apartments.
- The trees within the site have been designated as 'Significant Tree Groupings' in the Clonsilla Urban Centre Strategy. Several trees will have to be removed to facilitate the development, including a Category 'A' tree.
- The shape and layout of the public open space is not suitable for active play and its main function is tree retention. Therefore it does not meet the standards set out in Objective DMS57 of the Fingal Development Plan 2017-2023 and is not acceptable as public open space.
- This results in a shortfall in the quantum of public open space of 0.23ha. The applicant is required to make up this shortfall through a financial contribution under Section 48 of the Planning Act. This contribution will be applied towards the continued upgrade of local Class 1 open space facilities in the Beechpark.
- Under Development Plan norms, the development would generate a demand for 89 car parking spaces. The Transportation Planning Department consider the minimum parking standard for the development to be 69 parking spaces,

(1 per 1- and 2-bedroom units and 2 per 3-bedroom units and above). The applicant has proposed car parking at a rate of 0.25 spaces per unit, (15 dedicated car parking spaces).

- The PO considers that the level of car parking is too low and should be increased to 0.5 spaces per unit.
- The provision of cycle facilities has not been adequately considered.
- The PO recommended that Further Information was requested regarding the height and scale of the proposal; the extent of opaque glazing proposed; landscaping and play areas; car parking, cycle and pedestrian facilities; surface water; red line boundary and ecological surveys.

The second report of the PO assessed the information submitted by the applicant on the 22nd of April 2023, which included a reduction in scale, the omission of two units and an increase in the level of parking and recommended that planning permission be granted for the amended development.

3.2.2. Other Technical Reports

- Heritage Officer – archaeological monitoring is required as the proposed development is within 30m of a historic graveyard.
- Architectural Conservation Officer – The report dated the 26th of January 2022 states that the CO is very concerned about the visual impact of the development on the setting of St. Mary's Church and does not consider the development to be an acceptable response to the sensitive site. The second report of the CO dated the 5th of May 2022 notes that only minor amendments were made to the scheme and are not sufficient to address the initial concerns raised.
- Water Services – No objection.
- Housing Department – Part V details to be agreed.
- Environment Section – No objection.
- Parks and Green Infrastructure Division – The first report states that several trees require removal therefore the remaining trees need to be protected. There is a shortfall in public open space and a financial contribution should be

applied. Planning conditions are recommended. The second report dated the 16th of May 2022 recommended changes to the play area. Additional measures would be needed to protect the trees on the southern boundary should a 3m shared space to accommodate pedestrians and cyclists be provided.

- Transportation Planning Section – The first report states that the proposal would require the removal of on-street pay and display parking spaces. Parking provision is very low and could result in overspill parking. Cycle provision is also not sufficient. The second report dated the 23rd of May 2022 noted that the parking provision is still low and recommends that the developer pay a financial contribution in lieu of parking spaces. Cycle facilities and connectivity have not been adequately addressed. Auto-track analysis for emergency vehicles is not acceptable as it uses the open space and would require equipment to be moved. Details would have to be agreed by condition.

3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage – The development is in the vicinity of St. Mary's church and graveyard, Recorded Monument No's DU013-017001 and DU013-017002. Archaeological testing is required. The development has the potential to disturb the roosting habitat of bats, breeding birds, barn owls, swifts, badgers and other wildlife. Mitigation measures are required.
- Uisce Éireann – No objection.

3.4. Third Party Observations

A large number of third-party observations were received by the PA during the public consultation phase and raised the following issues:

- Excessive height in comparison to St. Mary's Church, (RPS 705).
- Inadequate level of car parking.
- Will lead to increased traffic in the village.

- Unsympathetic layout and design.
- The location of the entrance will give rise to vehicular conflict.
- There is no planning gain in terms of active frontage and public realm improvement.
- Height should be guided by the extant permission on the adjoining site, (FW16A/176).
- Adjoining houses at 1 and 2 Churchview will be negatively impacted.
- The Lodge building is of historical importance and should be retained.
- The applicant relies on the reduced standards for Build to Rent, (BTR), properties whilst not being a BTR development.
- Over supply of small 3-person, 2-bedroom apartments which are supposed to be used for social housing.
- The area has a history of flooding.
- A previous application was refused because of inadequate services.
- Location of proposed ESB substation is unacceptable.
- Removal of trees and impact on wildlife.
- The proposal contravenes Objective 2 for Clonsilla which limits height to three storeys.
- Lack of social infrastructure for new population, schools etc.

Further observations were lodged were received by the PA following the applicant's response to the FI request. Many of the same issues were raised. Additional points included the following:

- The changes to the scheme are noted but the proposal would still be overbearing to the single storey houses at 1 & 2 Churchview.
- Further clarification is required regarding the boundary treatments for the site.
- All the issues regarding overlooking and excessive scale would be addressed by the removal of the third floor.

- The location of the bin storage area, parking and ESB sub station would be injurious to the amenity of No's 1 & 2 Churchview.
- Visitor parking provision is poor.
- The scheme is in breach of SPPR3 of the Design Standards for New Apartments Guidelines.
- The development does not respond adequately to the historic context of the site.

4.0 Planning History

4.1. No recent planning history for the subject site.

Planning history on nearby sites and referenced by third parties:

ABP-309206-21, (FW20A/0180) – Planning permission refused in August 2022 for the construction of a mixed-use development within the curtilage of Allendale House, a Protected Structure, comprising 79 residential units and a childcare facility.

Permission was refused for four reasons which related to:

- an unacceptable negative impact on the protected structure,
- lack of clarity regarding future cycling and pedestrian facilities,
- deficiency in open space and dominance of surface car parking, and,
- the impact on significant trees and hedgerows in the area.

ABP-306980-20, (FW19A/0233) – Planning permission granted in August 2020 for the completion of construction of development permitted under PA Ref. FW19A/0009 subject to amendments to condition 13 (ii) to allow for deliveries during the operational opening hours of the proposed development and to remove condition 10 (v) which also related to servicing hours.

FW19A/0009 – Planning permission granted for amendments to the neighbourhood centre permitted under FW16A/0176.

FW16A/0176/E1 – Planning permission granted on the 20th of September 2022 for an Extension of Duration of Permission.

PL06F.249188, (FW16A/0176) – Planning permission granted on the 26th of January 2018 on the site adjoining the subject site to the north and east for a mixed-use development of 103 residential units, (a mix of houses and apartments), a local neighbourhood centre and all ancillary works. To date the neighbourhood centre has been constructed but the housing has not commenced.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Fingal County Council. The operative Development Plan for the area is the Fingal County Development Plan, (FCDP), 2023-2029, which came into effect on the 5th of April 2023. The application was assessed by Fingal County Council in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023, which was the operative Development Plan at the time.
- 5.1.2. On review of the contents of both plans I note that there are no material changes between the 2017 County Development Plan and the 2023 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2023 – 2029 Fingal County Development Plan, (FCDP).
- 5.1.3. In the interest of clarity the following objectives of the Fingal County Development Plan 2017-2023 were referenced by the PA and by third parties:
- **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.
 - **Clonsilla 4** - Protect the historic character of Clonsilla Village by conserving old houses and cottages and only permitting sensitive development.

Fingal County Development Plan 2023-2029

- 5.1.4. The following sections of the **FCDP 2023-2029** are of relevance to the appeal:

- Zoning – The subject site has two zoning objectives. The western side of the site is zoned objective RS – Residential, which seeks *‘To provide for residential development and protect and improve residential amenity.* The eastern section of the site is zoned objective TC – Town and District Centre, which seeks to *‘Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities’.* The proposed residential use is ‘Permitted in Principle’ within both zoning objectives.
- Local objective 105 relates to the subject site and states that – *‘Housing built in the historic core location will be of a height and density appropriate to a village setting and in keeping with existing housing in the core Clonsilla Village area’.*
- There is a mapped objective to ‘Protect and Preserve Trees, Woodlands and Hedgerows’ on the site.
- There is also an indicative route for the (GDA) Cycle Network Plan to the front of the site.
- There are three Protected Structures in proximity to the site:
 - St. Mary’s Church, (RPS Ref. 705), is approximately 70m to the west of the site,
 - Callaghan Bridge, (RPS Ref. 706), is a single arched stone road bridge over the railway line to the south of the site, and,
 - Clonsilla Signal Box and Overbridge, (Ref. 707), to the south of Callaghan Bridge.
- There are three Recorded Monuments within the confines of St. Mary’s Church:
 - DU013-017002 – Graveyard, in the grounds of St. Mary’s Church.
 - DU013-017003 – Grave slab - in the graveyard of St. Mary’s Church.
 - DU13-017001 – Church – at the site of St. Mary’s Church.
- Clonsilla is located within the Dublin City and Suburbs Consolidation Area in the Fingal Settlement Hierarchy.

- The site is not located in a area which is designated as a Flood Zone A or Flood Zone B in the Fingal Strategic Flood Risk Assessment 2023-2029.

Chapter 2 – Settlement Strategy

- Policy CSP18 – Promotion of Residential Development - Promote residential development addressing the current shortfall in housing provision and meeting target guidance figures, through a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, and vacant and underutilised sites.
- Objective CSO19 – Tree Lined Approaches - Retain existing tree-lined approaches to all towns and villages to preserve their special character.
- Objective CSO20 – Network of Pathways/Cycleways - Develop a comprehensive network of signed pedestrian and cycleways linking residential areas to one another, to the village centres, schools, recreational hubs and railway stations.
- Objective CSO21 – Promotion of Higher Densities - Promote higher densities (50+ units per hectare) at appropriate locations in urban built-up areas subject to meeting qualitative standards at appropriate locations with particular reference to urban centres and/or in proximity to high-capacity public transport nodes while demonstrating compliance with all relevant Section 28 Ministerial Guidelines.
- Objective CSO25 – Optimising Existing Local Heritage Resources and Public Amenities - Require that new development in the urban settlements of the Dublin City and Suburbs area optimises existing local heritage resources and public amenities, while protecting the character and biodiversity of the villages.

Chapter 3 – Sustainable Placemaking and Quality Homes

- Objective SPQHO9 – Consolidated Residential Development - Consolidate within the existing urban footprint, by ensuring of 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.

- Section 3.5.11.3 – Density – Higher densities are supported in accordance with the NPF, RSES, and Section 28 Guidelines. Development must also be respectful of its context, the nature and character of the surrounding area and have regard to prevailing patterns of development locally. In determining densities, regard should be given to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and its companion document Urban Design Manual – A Best Practice Guide.
- Objective SPQHO34 – Integration of Residential Development - Encourage higher residential densities where appropriate ensuring proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area with a target minimum amount of 15% (except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) amount of green space, tree coverage and public space associated with every residential area.
- Section 3.5.13 – Compact Growth, Consolidation and Regeneration
- Objective SPQHO37 – Residential Consolidation and Sustainable Intensification - Promote residential consolidation and sustainable intensification at appropriate locations, through the consolidation and rejuvenation of infill/brown-field development opportunities in line with the principles of compact growth and consolidation to meet the future housing needs of Fingal.
- Objective SPQHO38 – Residential Development at Sustainable Densities - Promote residential development at sustainable densities throughout Fingal in accordance with the Core Strategy, particularly on vacant and/or under-utilised sites having regard to the need to ensure high standards of urban design, architectural quality and integration with the character of the surrounding area.
- Objective SPQHO39 – New Infill Development - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as

boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Chapter 4 – Community Infrastructure and Open Space

- Table 4.3 – Recommended Quantitative Standards – For new residential development on infill / brownfield sites a minimum of 12% of the site area should be public open space.
- Section 4.5.2.7 – Tree Policy – The Fingal Tree Strategy applies, (The Forest of Fingal – A Tree Strategy for Fingal).
- Objective CIOSO38 – Public Open Space Provision - 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 CIOSO49 – Smaller Developments and Open Space - Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.
- Objective CIOSO52 – Trees - Protect, preserve and ensure the effective management of trees and groups of trees.

Chapter 10 – Heritage, Culture and Arts

- Objective HCAO10 – Context of Archaeological Monuments - Ensure that development within the vicinity of a Recorded Monument or Zone of Archaeological Notification does not seriously detract from the setting of the feature and is sited and designed appropriately.
- Objective HCAO35 – Appropriate Maintenance, Repair and Re-use - Advocate for and support appropriate maintenance, repair, re-use and sensitive retrofitting of the architectural heritage, vernacular buildings and the older building stock of the County, whether protected or not, to deliver the Council's sustainable development policy.

Chapter 14 – Development Management Standards

- 14.5.3 - Building Height – to accord with the Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- 14.6.3 - Residential Density – reference should be had to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and to Chapter 3 of the FCDP.
- 14.6.4 – Residential Standards – Applications shall comply with all national guidelines and standards in place, (i.e. Quality Housing for Sustainable Communities – Best Practice Guidelines 2007, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009, the companion Urban Design Manual – A Best Practice Guide 2009, and Sustainable Urban Housing: Design Standards for New Apartments 2020).
- 14.6.6.1 – Daylight and Sunlight – Objective DMSO22 - Require Daylight and Sunlight analysis for all proposed developments of 50+ units or as required by the Planning Authority, depending on the context of the site and neighbouring property as well as the design of the development.
- 14.6.6.3 – Separation Distances - Objective DMSO23 - A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over three-storeys in height, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.
- 14.7 – Apartment Development / Standards - Objective DMS024 - All applications for apartment development are required to comply with the Specific Planning Policy Requirements (SPPRs), the standards set out under Appendix 1 and general contents of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020 (or updated guidance as may be in place at the time of lodgement of the planning application)
- 14.13 – Open Space – Objective DMSO51 – Minimum Public Open Space Provision - 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.

- Table 14.12 – requires a minimum of 12% of the site area for public open space for new residential development on infill or brownfield sites.
- Objective DMSO53 – Financial Contribution in Lieu of Public Open Space - ...The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision for the acquisition of additional open space or the upgrade of existing parks and open spaces subject to these additional facilities meeting the standards specified in Table 14.11. 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.
- Objective DMSO122 – Pay and Display - In towns and villages with Pay and Display parking, developers may pay a contribution in lieu of car parking at a rate of up to €20,000 (twenty thousand euro) per space.

Clonsilla Urban Strategy 2008

- 5.1.5. The Clonsilla Urban Centre Strategy 2008 is referenced in the application and in third party submissions. This non-statutory strategy was prepared in 2008 and has since expired. The strategy provides a framework for the development of the village centre surrounding the train station and sets out provisional heights for future development. The subject site is outside of the site boundary but is adjacent to its northern boundary. The Strategy is not referenced in the current Development Plan and national guidance on height, set out in the Height Guidelines, discourages the implementation of blanket height restrictions in favour of a site suitability assessment.

5.2. National Policy

- 5.2.1. **Project Ireland 2040, National Planning Framework, (NPF).**

The NPF provides a series of National Policy Objectives (NPOs), a number of which have informed the Core Strategy, including:

- NPO 3a, b and c which seek the delivery of new homes within the footprint of existing settlements.
- NPO 3a, Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3b, Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs within their existing built-up footprints.
- NPO 3c Deliver at least 30% of all new homes that are targeted in settlements, within their existing built-up footprints.
- NPO 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

5.2.2. Section 28 Guidelines –

- **Sustainable Urban Housing - Design Standards for New Apartments (Guidelines for Planning Authorities), 2022.**
- Supports the use of infill sites in urban locations to provide higher density apartment developments.
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), to/from high-capacity urban transport stops (such as DART or Luas), can be considered suitable for higher density apartment developments.
- SPPR1 - Apartment developments may include up to 50% one-bedroom or studio type units.
- SPPR3 – Sets out the standards for minimum apartment floor areas.
- SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to

0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.

- SPPR5 – Specifies floor to ceiling heights.
- SPPR6 – Specified maximum number of apartments per floor core.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.
- Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options are located in close proximity.
- **Urban Development and Building Heights, (Guidelines for Planning Authorities), 2020.**

The guidelines require that the scope to consider general building heights of 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.

Criteria for considering additional height are set out in Section 3.2 of the Guidelines.

- **Sustainable Residential Development in Urban Areas (Guidelines for Planning Authorities), 2009**

The Guidelines updated and revised the 1999 Guidelines for Planning Authorities on Residential Density and set out the key planning issues to be considered in the provision of new housing development in terms of sustainable development.

5.3. Natural Heritage Designations

- 5.3.1. No designations apply to the subject site.

5.4. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following:

- The adjacent site is within the Town & District Centre Zoning and has permission for a three-storey apartment building. This should set the density precedent for the area.
- The appellant acknowledges the efforts made to reduce the scale of the proposal but is of the opinion that the overall structure is still grossly overbearing on the existing single-storey vernacular houses in the immediate area.
- Changes made at third floor level will result in overlooking of the houses on Churchview.
- A grant of permission should consider the omission of the top floor across the scheme to reduce the high density. This should also include reducing the structure to two storeys on the west side and a maximum of three storeys at its highest point.
- The appellants notes that the ESB substation was moved under FI but is of the opinion that the location, height, scale and massing is still overbearing on the single storey houses at No's 1 and 2 Churchview. There is also insufficient detail on how these boundaries will be treated.
- Windows along the western façade of Core B will create perceived overlooking of houses at No's 1 and 2 Churchview.

- The provision of 21 car parking spaces is not enough for the development and will lead to parking on the public roads in the village.
- The bin collection area would be located behind No's 1 and 2 Churchview and would impact on the residential amenity of these houses.
- The Housing Quality Audit shows that the scheme does not meet the Design Standards of New Apartments and is in breach of SPPR3 by virtue of the mix of two-bedroom, three-person apartments.
- A previous application on the site was refused because of deficiencies in sewage and surface water systems. No improvements have been carried out since the refusal.

6.2. Applicant Response

A response was received from the applicant on the 11th of July 2022 and includes the following:

- The massing and scale were reduced in response to a request for further information and was considered to be acceptable by the PA.
- Heights of up to four storeys are in accordance with the Clonsilla Urban Centre Strategy 2008 which showed indicative heights of 1-4 storeys on the subject site.
- The proposed density of 119 units per hectare is considered appropriate for the site which is close to Clonsilla train station, local shops and services, and is within an existing settlement.
- National and local planning policy promote increased densities in appropriate locations, close to public transport.
- With regard to overlooking the houses on Churchview, the balcony at third floor level is 39m from the houses at Churchview. This separation distance is significantly more than the 22m required by the Fingal Development Plan and as such, overlooking is not considered to be an issue.
- The ESB substation was moved further north and away from the existing houses through further information. The corner of the substation is now 10m

from the house and as a single storey structure will not have an overbearing impact.

- The site boundary to the side of No's 1 and 2 Churchview would comprise a concrete post and panel screen to 1.8m with a small portion at 2.1m to provide additional screening to existing houses.
- All windows that require opaque glazing will be permanently fitted with such glazing. The removal of the opaque glazing would constitute unauthorised development.
- In a separate traffic statement submitted in the response, the applicant contends that the subject site is ideally located to have a reduced level of car parking, which is in accordance with Government guidance in the Design Standards for New Apartments, 2022.
- The site is just 3-4 minutes' walk from existing bus stops and the Clonsilla train station, and the development falls within the Blanchardstown Area Bus Connect Proposal and will provide increased public transport links along the R121 and Blanchardstown Shopping Centre.
- The existing rail line will also be upgraded as part of DART+ West which will increase capacity and frequency of services.
- Cycle facilities will also be provided in the development.
- A dedicated space for a car sharing club will be provided on the site. The applicant contends that research shows that this is equivalent to 15 to 17 on site car parking spaces in terms of usage.
- An error was made in the Housing Quality Assessment submitted with further information. The correct mix of unit types is in accordance with SPPR 1 of the Apartment Guidelines, (1 bed = 39%; 2 bed (3 person) = 10.5%; 2 bed (4 person) = 47%; 3 bed = 3.5%).
- Existing infrastructure on the site is sufficient to serve the development. The site is located in Flood Zone C, has no history of flooding and is at low risk from fluvial flooding.

- Surface water drainage for the site has been carefully designed and approved by the PA. Uisce Éireann have also issued a Confirmation of Feasibility letter which states that a wastewater connection is feasible without infrastructure upgrades.
- Regarding the conservation issues, the applicant is satisfied that this has been addressed in the response to additional information and that the proposal will not be detrimental to the conservation of the surrounding area.

6.3. Planning Authority Response

A response was received from the PA on the 11th of July 2022 and is summarised below.

- The site forms part of an area in the vicinity of St. Mary's Church which has a special quality and forms an important element of Clonsilla village.
- National policy in the NPF supports development of this nature.
- The PA sought additional information on a number of issues, and this resulted in a reduction in scale and changes to the design. The changes addressed the concerns of the PA.
- In order to improve cycling connectivity, the applicant was conditioned to provide a 3m shared space along the southern boundary of the site and additional measures were included to successfully retain trees.
- Overall the proposal is acceptable in principle, having regard to the location on an infill site within the metropolitan area of Dublin, proximity to public transport, the zoning in the Fingal Development Plan and the policy of the NPF on urban consolidation.
- It is respectfully requested that the decision of the PA be upheld.
- In the event that the decision is upheld the PA requests that Condition No 4, (Tree Bond), No. 10, (S48 (2)(c)), No. 22 (Bond/Cash Security), No. 23, (Open Space Shortfall), No. 24 (S48 levy), and No. 25, (S49 levy) are included in the Board's determination.

6.4. Observations

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- Objectives 2 and 4 of the FCDP 2017-2023 relate to the development of Clonsilla. Objective 2 seeks to restrict height to three storeys and Objective 4 seeks to protect the historic character.
- Slight alterations to the scheme made under FI do not address the problems of scale, height, massing and proximity to boundaries.
- Four storey development is not suited to this part of the village.
- The houses in the village core and beside the site are all single storey and not two storeys as stated in the application.
- The Clonsilla Urban Strategy 2008 identified The Lodge, and its companion building The Forge', as 'character houses' that contributed to the character of the village.
- The buildings of the Lodge, the Forge, the railway signalbox, the bridge over the canal, St, Mary's Church and graveyard all combine to create a pleasant and historic setting for the village.
- The possibility of retaining the Lodge and integrating it into the development should be considered.
- Clonsilla is identified as a 'Consolidation Area Within Gateway' in the Metropolitan Area in the Fingal Settlement Strategy, (FCDP 2017-2023), which are areas that have their own distinctive character and sense of place.
- The proposal does not integrate with the architecturally sensitive area and does not enhance the character and public realm. It offers little to the community and permanently alters a key vista from the Royal Canal Bridge.
- Vehicular access to the development would open onto a point on Clonsilla Road which frequently backs up with traffic from pedestrian lights and the level crossing gates.

- Public transport is not frequent. Two bus services operate; one runs every hour and the other every half an hour. The train service travels east-west only.
- Car parking provision is insufficient and does not allow for any visitors such as home-help, carers, social workers, public health workers, etc.
- The Traffic Impact Assessment, (TIA), relies on information from England which is not comparable. It is argued that the TIA does not follow the guidance set out in the 'Traffic and Transport Assessment Guidelines, National Roads Authority, (May 2014)' and the TRICS Good Practice Guide 2021.

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- The scale, layout and massing of the development would contravene the provisions of the Fingal Development Plan 2017-2023, and in particular Objectives Clonsilla 2, Clonsilla 4, Objective CH37 and Objective DMS44.
- The deficiencies in green infrastructure such as insufficient open space and inadequate hedgerow and tree protection would have an adverse impact on biodiversity and visual amenity.
- It would also have a negative impact on the residential amenity of existing properties by virtue of overlooking.
- Fire tender access in accordance with Building Regs is not provided and the car parking is inadequate.
- Congestion on the Ongar Distributor Road forces drivers to avail of 'rat runs' along the R121. The proposed closure of several rail crossings, (as part of DART+ West project – not yet approved), will generate redirected traffic volumes because of vehicles being fed from the development onto the R121.

6.5. Further Responses

A further response was received by the appellant on the 5th of September 2022 and included the following comments:

- The appellant disagrees that the issue of overlooking from the west-facing terrace at third floor level is not of concern and there is a further concern regarding the potential for disturbance from the terrace.
- The comments reiterate that scheme is excessive in its height, scale and density and state that this could be addressed by the omission of the top floor and that the Board consider a reduction to two storeys on the section closest to the single storey houses on Churchview.
- The appellants consider it poor planning that the bulk of the site's services, (substation, bin store and surface parking), would be located in close proximity to existing houses.
- The comments wish to highlight the provisions of the Development Plan as they relate to transitional areas and that guidance advises against abrupt transitions in scale.
- Regarding the parking provision for the development, the appellants do not agree that the area is a 'central and / or accessible location' in line with Section 4.19 of the 'Design Standards for New Apartments'.
- The number of parking spaces proposed is not in accordance with objective MT08 of the FCDP 2017-2023 and a car-sharing space would not make up the shortfall.
- The appellants are not satisfied that the development is an adequate response to the architectural heritage in the location. Whilst the building on site is not listed on the RPS it is of local historical importance. The Conservation Report is subjective in its analysis of the quality of the interior of the building. The proposal would also impact on the setting of St. Mary's Church which is the dominant feature in the village.

7.0 Assessment

7.1. I have reviewed the information at hand and the issues raised in the appeal can be addressed under the following headings:

- Principle of Development

- Scale and Height
- Residential Amenity
- Architectural Heritage
- Trees and Ecology
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The application was assessed by Fingal County Council in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023, which was the operative Development Plan at the time. The Fingal County Development Plan, (FCDP), 2023-2029, came into effect on the 5th of April 2023 and is the operative Development Plan for the County. There are no material changes to the planning objectives for the site between the 2017 and 2023 Development Plans. The development of the site is guided by two zoning objectives, RS - Residential and TC - Town Centre. The proposed development is in accordance with both zoning objectives and as such is acceptable in principle subject to assessment against the policies and objectives of the Development Plan.

7.3. Scale and Height

7.3.1. Concerns were raised in the grounds of appeal and by third parties, regarding the scale of height, scale and density of the proposal within the context of the receiving environment. The issue was raised that the proposed development was not in accordance with Objective Clonsilla 2 of the 2017 Development Plan which sought 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'*.

7.3.2. I note to the Board that there is an extant permission, (PL06F.249188, PA Ref. FW16A/0176), on the land to the north and east of the subject site. To the east, a three-storey apartment block has been permitted and to the north and west, a

development of two storey houses has been permitted. The subject development has been designed to respond to this extant development.

- 7.3.3. Objectives Clonsilla 2 and Clonsilla 4, which seeks to *‘Protect the historic character of Clonsilla Village by conserving old houses and cottages and only permitting sensitive development’*, were referenced by the PA in their request for FI and the applicant was requested to reduce the scale and height of the proposal. In response, the applicant amended the proposal by introducing setbacks at the north-western corner of the building, where it would be adjacent to the extant two-storey houses, and on the south-western elevations of the three storey and four storey elements facing onto Clonsilla Road. This resulted in the omission of two apartments, one at third floor level on the southern elevation and another at second floor level on the south-western corner and reduced the overall scale of the building. The PO noted that the proposal was still a four-storey building but considered the height to be acceptable based on Objective PM42 of the 2017 Development Plan, which seeks to implement the policies and objectives of the Minister which are set out in the Section 28 Building Height Guidelines and Apartment Guidelines. Planning history for the adjoining site to the east was also noted.
- 7.3.4. Objective Clonsilla 2 was not carried through into the current Development Plan. Section 14.5.3 of the FCDP sets out the policy on building height and states that, *‘National policies with respect to the achievement of consolidation, increased densities and long-term strategic development are supported by guidance on building height including Urban Development and Building Heights – Guidelines for Planning Authorities 2018. The Guidelines which require that increased building height be considered in all urban contexts subject to high standards of urban design, architectural quality and place-making outcomes’*. The Guidelines also require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in urban settlements must be supported. On this basis, I am satisfied that the proposal for a part four-storey building can be considered within the context of the site, subject to the policies and objectives of the Development Plan and the overall impact of the proposal.
- 7.3.5. Section 3.2 of the 2018 Building Height Guidelines sets out the criteria under which applications for taller buildings should be assessed. SPPR 3 of the Guidelines states that, should the proposal accord with the criteria then the development may

be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The criteria relate to the impact of the proposal on the wider area, the district / streetscape, and the site itself.

- 7.3.6. At the scale of the wider urban area, the site is well served by public transport with Clonsilla train station and, several bus routes within close proximity. Clonsilla Train Station is included in the DART+West rail improvement project which would improve capacity on the rail line to Maynooth. Clonsilla is also included in the Bus Connects network redesign which will provide more frequent bus services to and from the village. Both projects are currently seeking approval through the planning process. The proposal is not of such a scale that it would impact on the wider urban area and therefore its impact on the immediate environment warrants most consideration.
- 7.3.7. The immediate context of the site is of low-rise development with St. Mary's Church to the west. A terrace of single storey houses is on the opposite side of the road at Larch Grove, a single storey, Tudor-style cottage is to the front of the site, and two single storey houses directly adjoin the site to the west. Beyond these houses and further to the west is St. Mary's Church and graveyard which is on an elevated site and is the tallest building in proximity to the site. The proposed height would be a deviation from the existing character of development to the west and the south. However, the emerging pattern of development to the west is of a different character with a three-storey apartment development permitted on the adjoining site to the east, (PL06F.249188, FW16A/0176), and a recently completed neighbourhood centre beyond this which was permitted under the same application. Further eastwards along the R121, and beside the Applegreen service station, a four-storey apartment building is nearing completion, (ABP-308597-20, FW20A/0046).
- 7.3.8. Design responses to the site have sought to reduce the overall bulk and massing of the building. To the west, the corner of 'Core B' steps down to two storeys to address the neighbouring houses, with the height increasing to four storeys towards the east where the three-storey apartment block has been permitted. The massing at the southern elevation of the building is broken up by setting back a portion of the building at third floor level and offsetting the elevation at an angle to the south-eastern corner. A mix of external finishes are also proposed for the top floor which adds visual interest. At its closest point, the southern elevation of the building would be set back from the public footpath by 10m. Landscaping plans show that the

existing hedgerow and eleven trees along the southern boundary will be retained. This will help to screen the development and to integrate it into the streetscape.

- 7.3.9. The impact of the proposal on the existing residential amenity and architectural heritage of the village will be assessed in full in the Sections 7.4 and 7.5 below. However, based on the physical attributes of the site, its location in the village and the emerging pattern of development, I am satisfied that the height of the proposal would not be excessive and can be considered in tandem with the overall impact on the receiving environment.
- 7.3.10. The development would yield a residential density of 119 units per hectare, which is high when compared with the historic pattern of low-rise housing in the area. However, the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines, May 2009, recommend that a minimum net density of 50 units per hectare should be applied within public transport corridors with the highest densities being located at rail stations and bus stops. This advice has been reinforced in more recent guidance such as the Section 28 'Apartment Guidelines' and 'Height Guidelines' which also recommend increased densities within urban settlements where public transport options are available.
- 7.3.11. I am satisfied that the location of the site in proximity to a train station, within an urban settlement, in proximity to a neighbourhood centre and on a site which has a Residential and Town Centre zoning objective allows for the consideration of higher densities. I also note that the site will be subject to transport improvements under DART+West and Bus Connects which are currently before the Board.

7.4. Residential Amenity

Future Residential Amenity

- 7.4.1. The appellant is of the opinion that the scheme does not meet the Design Standards of New Apartments and is in breach of SPPR3 by virtue of the mix of two-bedroom, three-person apartments. In terms of assessing the overall standard of the apartments, the relevant guidance is contained in Chapter 14 of the FCDP and the Apartment Guidelines, with specific standards set out in Appendix 1.

- 7.4.2. I have reviewed the application documents and I am satisfied that the apartments have been designed in accordance with the development standards set out in the Apartment Guidelines and in Chapter 14 of the FCDP. The gross floor area of each unit either meets or exceeds the minimum standards set out in SPPR 3, and the floor to ceiling height is in accordance with SPPR 5. All units have been designed with the standards for private open space and internal floor space and storage as set out in Appendix 1 of the Apartment Guidelines. Single aspect units would comprise 49% of the development which is in accordance with SPPR 4.
- 7.4.3. A Daylight and Sunlight Assessment was submitted with the application and assessed the units under a number of development scenarios, i.e. with and without the extant apartment block to the east. The assessment was carried out using the standards and methodologies contained in the BRE guide 'Site Layout Planning for Daylight and Sunlight', (2nd Edition) and British Standard BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. An updated British Standard (BS EN 17037:2018 '*Daylight in Buildings*'), was published in May 2019, to replace the 2008 BS. This updated guidance does not have a material bearing on the outcome of the assessment.
- 7.4.4. All but three units were found to achieve adequate levels of daylight. The units in question were located on the lower floors of Core A and were Unit A0-07 and the corresponding units directly above at ground and first floor level. The combined living/kitchen/dining area in these units did not achieve 2% Average Daylight Factor, (ADF), as recommended in the relevant guidelines, ('*BS 8206-2:2008: Lighting for Buildings – Part 2: Code of Practice for Daylighting*'), and the updated '*BS EN 17037:2018 'Daylight in Buildings'*'). However they all achieved in excess of 1.5% ADF and had kitchens that were directly linked to a well-lit living room, as per design guidance. Based on the report findings, the orientation, and design of the development, I am satisfied that the apartments would be well lit and would receive sufficient daylight.
- 7.4.5. In the report of the PO, it was noted that the development had a shortfall in the provision of public open space. Objective DMS57 of the 2017 Development Plan required a minimum of 2.5 hectares per 1000 population, (based on a calculation of 1.5 persons per 1- and 2-bedroom units and 3.5 persons per 3 bedrooms and above). This standard was carried through to the 2023 Development Plan and is set

out in Table 14.12. Objective DMSO53 of the 2023 Plan states that a minimum of 12% public open space is required and the Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to provide for the acquisition of additional open space or to upgrade existing parks and open spaces.

- 7.4.6. Based on the Development Plan standard, the development would yield a requirement of 0.22 hectares, (2,200 sq. m), of public open space. As per the drawings submitted, the quantum provided would be in the order of 1,524 sq. m, which relates to c. 31% of the site area. The PA were also of the opinion that the quality of the space provided did not meet the standards for Public Open Space as its shape and location was not suitable for active play and the main purpose was tree retention. In lieu of the private open space, the applicant was requested to make up the shortfall through a development contribution and a planning condition was attached to this effect.
- 7.4.7. In their response to the appeal, the PA requested that the Board apply a Section 48 (2) (C) development contribution to make up the shortfall in public open space. Section 48 (2) (c) states that, *'A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development'*.
- 7.4.8. The Fingal County Council Development Contribution Scheme 2021-2025 is the operative development contribution scheme for the county and makes provision for the payment of a contribution, per square metre of development, towards individual classes of development, including community & parks facilities & amenities, (copy attached). Note 5 of the Scheme deals with 'Open Space Shortfall' and states that the Fingal Development Plan provides discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. The rates to be levied are also provided within this section. In this instance, I consider that the costs associated with the shortfall in open space to be contained within the Fingal County Council Development Contribution Scheme 2021-2025 and that the contribution can be adequately applied under this scheme.

Therefore, the Board may consider that a Section 48 (2) (c) contribution is not warranted in this instance.

- 7.4.9. With regard to the unit type and mix in the development, the applicant's response to the appeal states that an error had been made in the Housing Quality Assessment submitted with further information, and that the correct breakdown of units would comprise, 39% of 1 bed units, 10.5% of 2-bed,3-person units, 47% of 2-bed, 4-person units and 3.5% of 3-person units.
- 7.4.10. The 'Apartment Guidelines' state that a two-bedroom apartment to accommodate three persons can be included in the scheme to cater for a specific housing need, but the overall mix cannot comprise more than 10% of this unit typology. The subject proposal would have six of this unit type which relates to 10.5% of the overall quantum. Given the overall mix of unit types in the development, I consider the slight variance above the 10% stated in the guidelines to be acceptable. Therefore, I am satisfied that the mix of unit types is in accordance with SPPR 1 of the Apartment Guidelines.
- 7.4.11. Overall, the development would be in accordance with the Development Plan standards for apartment development as set out in Chapter 14, and also with the standards set out in the Apartment Guidelines. Therefore, I am satisfied that the proposal would provide an acceptable level of residential amenity for future residents.

Existing Residential Amenity

- 7.4.12. The most sensitive receptors in terms of impact on existing residential amenity are the existing houses at No's 1 and 2 Churchview which back onto the western boundary of the site. This section of the site would contain the vehicular circulation area with surface car parking, bicycle parking and an area of hard standing for bin collection along the site boundary. An area of communal open space would be positioned in the north-western corner of the site.
- 7.4.13. Core B would be the closest section of the building to the existing houses. Amendments to the proposal under FI reduced the height of the western elevation of Core B to two storeys at this location. This would provide separation distance of approximately 12m from the western elevation of the building to the site boundary and 22m from the rear elevation of No's 1 and 2 to the proposed building. At ground

floor level the building would contain an under-croft car parking area with an apartment above. Balconies at first and second floor level would be positioned on the north and south elevations and as such would not overlook the existing houses. Kitchen windows at first floor level facing towards the houses would be obscured with opaque glazing. I am satisfied that the existing houses would not be directly overlooked from the apartments in the most westerly section of Core B which are the closest in proximity.

7.4.14. There is a large, wrap-around balcony at third floor level in Core B which faces south and eastwards towards the houses. The grounds of appeal raise concerns regarding the impact of this balcony on the existing privacy of the houses on Churchview. The edge of this balcony would be c. 34m from the western site boundary. Views westward from the balcony would overlook the green roof proposed for the three-storey section of Core B. This roof would extend to a width of approximately 13m when measured from the edge of the balcony. The angle of visibility from the balcony and across the expanse of roof would not result in a direct eyeline to the existing houses. The expanse of roof would interrupt the angle of the eyeline from the balcony and obstruct any views towards the houses and their attendant private open space. I am satisfied that the existing residential amenity of the houses on Churchview would not be impacted by overlooking from the upper levels of the apartment building by virtue of the layout of the units, the positioning of the balconies and the separation distance between existing and proposed developments.

7.4.15. The grounds of appeal also argued that residential amenity would be impacted by the utilitarian functions located in the western section of the development. Providing the circulation area to the west allows for a separation between buildings and allows for connections to be made to the development proposed for the eastern site. The boundary treatment shown along the western boundary is a 1.8m high concrete post and panel fence with a 2.1m high section to the rear of the houses. Planting would also be provided along the western boundary to soften the visual impact. I consider the height of the proposed boundary to be sufficient to provide privacy to existing residents and to prevent light overspill from car movements. The bin store area is a space for short term storage for weekly collections and is not the permanent bin storage area, which is located within the building. The ESB substation would be positioned between 10 and 11 metres from the rear of the existing housing. I am

satisfied that the layout and arrangement of the space adjacent to the western boundary would not result in any significant negative impact on the residential amenity of the existing houses on Churchview.

Overshadowing

- 7.4.16. The BRE Guidelines recommend that loss of light to existing windows need not be assessed if the distance each part of the new development from the existing window is three or more times its height above the centre of the existing window. It also states that the diffuse light to an existing building may be adversely affected if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal. If a window falls within a 45° angle both in plan and elevation with the new development in place, then the window may be affected and should be assessed.
- 7.4.17. Due to their proximity to the development, all of the houses on Churchview, including the detached house on the traffic island to the southwest of the site, were assessed in the Daylight and Sunlight Assessment Report. Two tests were applied, one to measure the Vertical Sky Component, (VSC), which is the amount of sky visible from a given point, and one to measure the Average Probable Daylight Hours, (APDH), which represents the amount sunlight that a window may expect over a year. The assessment carried out two scenarios for each test, one with the proposed development only and one with the extant development to the east and north.
- 7.4.18. In the tests for VSC none of the houses on Churchview fell below the recommended threshold and the percentage of VSC to all windows on the rear elevations would experience very little diminution. In both scenarios the houses on Churchview would receive levels of VSC within the range of 36 – 38% which is in excess of the 27% recommendation. Properties to the south of the site, on Larch Grove, were also tested and all were found to achieve sufficient levels of VSC.
- 7.4.19. Similar results were found from the tests for APDH, which is expressed as the percentage of direct sunlight hours divided by the number of hours when the sky was clear with sun. The recommended percentage for annual APDH is 25% and 5% for winter APDH. All of the properties on Churchview were found to achieve

percentages of APDH within the range of 56-57% annual APDH and between 61-63% winter APDH, which are in excess of the recommendations.

7.4.20. The effect of the proposal on sunlight to existing gardens was also assessed. The BRE Guidelines recommend that 50% of any qualifying amenity area should be able to receive at least 2 hours of direct sunlight on the 21st of March. If a new development causes the garden area that cannot receive 2 hours of direct sunlight on March 21st, to be reduced to 0.8 times its former size, then the further loss of sunlight is significant. The impact of the proposal on the sunlight to existing gardens on Churchview and Larch Grove was found to be imperceptible with all but one of the gardens experiencing no loss in the levels of sun lighting currently experienced. In the property that did experience some reduction, 88.9% of the garden would receive at least 2 hours sunlight on the 21st of March, instead of the 90.8% which it experiences without the development.

7.4.21. Shadow diagrams prepared as part of the assessment show that houses on Churchview would experience some additional overshadowing during the morning hours of December 21st and March 21st when the sun is rising from the east. Overall the impact of the proposal on the existing houses would not be significant and in many of the tests to measure the impact on daylight and sunlight, the results were imperceptible. Therefore, I am satisfied that based on the scale and positioning of the development and the separation distances proposed, that existing residential development will not experience any significant loss of amenity in terms of overlooking, overshadowing or loss of daylight and sunlight.

7.5. Architectural Heritage

7.5.1. The impact of the proposal on the character and historic setting of the village was raised as an issue in third party submissions and in the grounds of appeal. The subject site is not located within an Architectural Conservation Area and does not contain any buildings which are listed on the Record of Protected Structures, (RPS), or on the National Inventory of Architectural Heritage, (NIAH). However, the site is in close proximity to three protected structures: Callaghan Bridge, (RPS Ref. 706), and Clonsilla Railway Station Signal Box and cast-iron pedestrian overbridge, (RPS Ref. 707), to the south of the site and, St. Mary's Church, (RPS Ref. 705) to the west. There are also three National Monuments located in the graveyard of St. Mary's

Church. Directly to the south of the site is a detached, five-bay, single storey Tudor-style house. This house is not listed on the RPS but is listed on the NIAH as a building which is of architectural and social interest.

- 7.5.2. Centrally positioned within the subject site is a vacant 20th century house with some outbuildings and a smaller ruin which abuts the boundary on Clonsilla Road. The development proposal involves the demolition of all structures on the site. Third party submissions set out the history and provenance of the surrounding vernacular houses and contend that the combination of buildings and historic structures in this part of the village set out the history and evolution of the settlement, which is worthy of preserving.
- 7.5.3. A report was prepared on the historical context and architectural merit of the building on the site. The report states that the building on the site was constructed in the Arts and Crafts style and is shown on historic maps dating from 1913. The ruin on the site was overgrown at the time of the assessment and its origin is unclear. An assessment of the house carried out for the report, found that there was no evidence of the hand-made, individually crafted components of a true Arts and Crafts house such as leaded casements and oak boarded doors which are characteristic of the style. Internal features such as fireplaces were also found to be mass produced. The report notes that the chimneys and plaque on the front are of interest but does not consider that the interior represents the care and attention to detail found in a true Arts and Crafts house.
- 7.5.4. I would agree with the third parties that the combination of vernacular and period buildings create an attractive setting to this part of Clonsilla when approaching from the south. However, the effect is not so pronounced when approaching the village from the east or west. Whilst the house is an attractive period property and contributes to the history of the area, it is not clearly visible from the public road and does not form a prominent part of the streetscape. It is also of note that it is not listed on the RPS or the NIAH, which the similar property to the south is. Section 247 pre-application discussions were held with the PA and the applicant was not advised to retain the house as part of the development. Given its position on the site it would be difficult to integrate it into a new development whilst achieving an appropriate level of density. Converting the house for use as a coffee shop, as suggested by

third parties, would have its own difficulties as the property is set back from the road with little visibility from the public realm.

- 7.5.5. I have visited the site and reviewed the application details, and I am satisfied that the proposal would not have a significant, negative impact on the character and setting of the protected structures in its vicinity. The development has the most potential to impact on the setting of St. Mary's Church, which is the closest protected structure to the site. There would be a separation distance of approximately 69m between the western elevation of the proposed building and the eastern elevation of the church. At this point the building would be two-storeys in height, increasing to four storeys further eastward. The three and four storey elements of the building would have a separation distance from the church of approximately 73m and 90m respectively.
- 7.5.6. The church is not clearly visible when travelling from the west or east along the R121. It is at a slightly elevated level to the R121, and the church building is partially obscured from view from Callaghan Bridge to the south. From this location the spire is blocked from view by trees and hedging. It is most visible from Larch Grove to the south of the site, when looking north-west across the traffic island and the mock-Tudor house. From this viewpoint, the proposed development would be positioned to the east and would not be within the direct sightline of the church. The apartment development would be visible from the church and graveyard. However, I do not consider views from the church to have an impact on the character and setting of the protected structure.
- 7.5.7. Having visited the site and the immediate surrounding area, I am satisfied that the separation distances between the development, St. Mary's Church, and the nearby protected structures, would be sufficient to mitigate against any significant negative impact on the character and setting of the protected structure. Furthermore, I am satisfied that the removal of the period property on the site is acceptable within the context of the site. The property is not listed on the RPS, and its removal would allow for the development of 57 housing units on a site which is zoned for development.

7.6. **Trees and Ecology**

Trees

- 7.6.1. The removal of trees from the site and the ecological impact of the proposal were raised as issues by third parties. There is a special objective on the site to 'Protect and Preserve Trees, Woodlands, and Hedgerows'. This objective was carried through from the 2017 Development Plan to the 2023 Plan.
- 7.6.2. An Arboricultural Assessment was carried out on the site and submitted with the application. The survey shows that 42 of the 74 trees identified on the site would be removed. Trees to be removed would be mainly located towards the centre of the site. The tree line along the eastern boundary, (Tree Line 1), would be retained, as would the trees along the southern boundary and adjacent to the road.
- 7.6.3. Tree Line 1 contains most of the coniferous trees, mainly Sitka Spruce, while the trees along the southern boundary are mainly Ash and Sycamore. One of the trees listed for removal is a Category A, (tree of high quality/value), Sycamore tree and is the only Category A tree on the site. The remaining trees to be removed would include 30 Category B trees, (trees of moderate quality/value), 34 Category C trees, (trees of low quality/value) and 9 Category U trees, (trees in poor condition). Trees to be retained are mainly Category B trees.
- 7.6.4. The PA acknowledge the removal of the trees and state that the protection of the trees to be retained is imperative. The report of the PO also notes that the drawings submitted show a 3-3.5m footpath along the southern edge of the site which is not representative of what is currently in place. It would be possible to create a shared space subject to agreement with the PA and the protection of the trees. Whilst it is regrettable that the Category A tree requires removal, a large portion of Category B trees will be retained and will help to integrate the development. Tree Line A will also form an attractive focal point in the shared public space between the subject development and the extant development to the east.

Ecology

- 7.6.5. An Ecological Impact Assessment was carried out for the site and found no protected plants or species within the site. Overall the site was deemed to be of low ecological value with habitats of low biodiversity with few native species. It also determined that the site is not likely to be of high value for any bird species and no evidence of protected mammals was found on the site. The PA noted that the ecological survey submitted with the application was not carried out at the optimum

time to identify all potential species of interest on the site and that a bat survey was not included in the assessment. A second survey was requested under further information to identify all protected species on the site, particularly bat, barn owl swift and badger.

- 7.6.6. The results of the second ecological assessment found no evidence of badger setts within the site and no evidence of barn owl nesting on the site. The survey found that there is a limited number of sites where swifts could nest within the site and that the outbuildings are unlikely nesting sites. Evidence of a bat roost was found in the attic of the house. The evidence indicated a low-level of use and did not indicate the presence of a maternity roost. As the house is a bat roost, its demolition requires a derogation from the National Parks and Wildlife Service and the input of a bat specialist prior to its demolition and also during the demolition works. The survey also recommended that additional surveys be carried out in late May/June when bats, swifts and barn owls are nesting or breeding.
- 7.6.7. Whilst the development will result in a loss of habitat for commuting and/or foraging, mitigation measures are outlined to limit the disturbance to species. Apart from the presence of a bat roost which requires additional intervention and permissions, the site was found to have a limited ecological value and would result in the displacement of wildlife of limited local value only.

7.7. Other Issues

Infrastructure capacity

- 7.7.1. Third party submissions raised the issue of infrastructure capacity in the area to deal with the development and stated that there is a history of flooding in the area. In their response to the appeal, the applicant notes that Uisce Éireann have issued a Confirmation of Feasibility letter for the proposal which states that a water and wastewater connection for the development is feasible without infrastructure upgrade by Uisce Éireann. A copy of this letter was included in the application and the response. The applicant also refers to the Flood Risk Assessment which was submitted with the application and states that the site is within Flood Zone C and is an appropriate location for residential development.

7.7.2. Two responses were issued by Uisce Éireann during the initial application process. Neither of which contained any objection to the proposal. A copy of the Confirmation of Feasibility letter was also included by the applicant and raised no objection to the proposal. Table 11.1 of the FCDP sets out Uisce Éireann's Statement of Capacity regarding wastewater services in the county. Regarding Clonsilla, which is included in the wider Blanchardstown area, the comments note that the Ringsend upgrades are underway and the GDG project will be implemented in the longer term. The wastewater network - Blanchardstown Regional Drainage Scheme (BRDS) Trunk Sewer effectively complete. Local sewers will be developer led. Based on the information submitted, I am satisfied that there is capacity in the area to accommodate the development in terms of a water connection and wastewater connection.

Flooding

7.7.3. The subject site is not located in a flood risk area and is not within a Flood Zone A or Flood Zone B. Based on the OPW Flood Risk Guidelines, the site is located within a Flood Zone C, which has a low probability of flooding. Residential development in Flood Zone C is appropriate from a flood risk perspective.

7.7.4. A Flood Risk Assessment, (FRA), was prepared for the development and notes the location of the site within Flood Zone C, in an area that is at low risk from flooding. The location of the Royal Canal approximately 100m to the south of the site, is noted, and the FRA states that a potential risk exists from a rise in water levels with a result of overtopping the canal banks. The lowest ground level on the site is shown at c. 59m OD and the top of bank elevation for the canal is 57.2m OD. The FRA notes that the landscaped areas of the development will be kept at a level above the canal which will provide protection from any overland flooding.

7.7.5. Surface water runoff from the development would be managed through interception storage in the form of an attenuation tank, permeable paving and a green roof on top of the apartment building. The flow rate from the site would be restricted through a flow control device and would be discharged to the surface water line on Clonsilla Road. The surface water management system and attenuation tank has been designed to accommodate a 100 year + Climate Change event and SuDS measures have been implemented.

- 7.7.6. Third party submissions state that flooding had previously occurred on the site. There are no past flood events listed for the site on the OPW flood maps, (www.floodinfo.ie). A past flood event is recorded on the maps at Porter's Gate, Clonsilla, approximately 300m to the west of the subject site. This event took place in 2000 and the flood source was recorded as 'Low lying land'. A report from the PA dated December 2002, is attached to this flood record and states that the problem at Porter's Gate was being considered as part of the Greater Dublin Strategic Drainage Study. At the time of the report the PA were working on a series of measures to alleviate the situation and to address the issue of the possible effects of surcharging in the foul sewerage system on the low-lying properties in the Porter's Gate area.
- 7.7.7. I am satisfied that, based on the Strategic Flood Risk Assessment in the FCDP, information obtained from the OPW's website, (www.floodinfo.ie), and the FRA carried out for the development, the proposed development is at a low risk from flooding and would not result in any increased risk of flooding to neighbouring sites/land.

Traffic / Parking

- 7.7.8. Concerns were also raised regarding impact of the proposal on traffic and parking in the area. The methodology used in the Traffic Impact Assessment was also questioned by a third party.
- 7.7.9. A Traffic Impact Assessment, (TIA), was submitted with the application and was updated in a response to FI. I am satisfied that the TIA was prepared using widely accepted methodology and industry norms, which were also accepted by the PA in their assessment. The proposed development would include 21 car parking spaces (18 for residents, 1 car sharing space, 1 visitor space and 1 accessible space). Given the low level of parking, the impact of the development on existing levels of traffic would be negligible. The more pertinent issue is whether the level of car parking proposed is sufficient.
- 7.7.10. In their response to the grounds of appeal, the applicant references Section 4.19 of the Apartment Guidelines which recommends that the default policy is to minimise car parking provision for apartment developments which are in more central locations and that are well served by public transport. The applicant argues that the development complies with the characteristics outlined in the Apartment Guidelines

and that the development is ideally located, adjacent to existing and future public transport links to minimise parking provision. Planned upgrades to existing public transport such as DART+West and Bus Connects are also noted.

- 7.7.11. The subject site is in a Zone 1 parking area, as defined in Table 14.18 of the FCDP. Based on the car parking standards set out in Table 14.19 of the FCDP, the development would require 29.5 spaces for residents and 11 spaces for visitors. The level of parking proposed falls well below this threshold. However, the Development Plan also states that, *'A reduced car parking provision may be acceptable where the Council is satisfied that good public transport links are already available or planned and/or a Management Mobility Plan for the development demonstrates that a high percentage of modal shift in favour of the sustainable modes will be achieved through the development'*.
- 7.7.12. Cycle parking for 137 bicycles plus 30 visitor spaces, including cargo bikes and two charging points for electric bicycles would be provided. A dedicated space for a car sharing vehicle would be provided and the applicant argues that each car sharing vehicle takes the equivalent of 17 cars off the road. Whilst the level of car parking proposed is low, it is in accordance with national policy to reduce car parking in suitable locations. The development is approximately 100m from Clonsilla train station which will be subject to service upgrades under DART+West. Clonsilla is also included in the roll out of Bus Connects project and will be on the B Spine with the B2 bus serving the area to UCD to the east and Clonee to the north-east. This bus is expected to have a frequency of 15 minutes. I also note the provision of charging points for electric bicycles which are becoming more prevalent as a transport option in urban areas. Based on the location of the proposal, in proximity to Clonsilla train station and existing bus stops, and, the provision of a car sharing vehicle and good cycle facilities, I am satisfied that the reduced level of car parking is acceptable for the development.
- 7.7.13. In their response to the appeal, the PA requested that a Section 48 (2) (c) development contribution be applied in relation to the permanent removal of an on-street, Pay and Display parking space to facilitate the development and also for the provision of controlled on-street parking as a result of the reduced car parking in the development. Section 48 (2) (c) states that, *'A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a*

particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development'. Section 14.17.11, of the Development Plan deals with Pay and Display parking and states that where parking provision for a development is reduced based on the provision of on-street parking, a contribution in lieu of parking may be appropriate. Objective DMSO122 also states that, *'In towns and villages with Pay and Display parking, developers may pay a contribution in lieu of car parking at a rate of up to €20,000 (twenty thousand euro) per space*'.

7.7.14. The Fingal County Council Development Contribution Scheme 2021-2025 is the operative development contribution scheme for the county and makes provision for the payment of a contribution, per square metre of development, towards public infrastructure. The definition of 'public infrastructure' as set out in Section 48 of the Planning and Development Act 2000, includes the provision of 'roads, car parks and car parking places'. A special contribution to be applied under Section 48 (2) (c) can be applied where specific exceptional costs are incurred by the PA as a result on the development and are not covered by a scheme. In this instance, I consider that the provision of on-street, car parking spaces to be a cost that is included in the standard Development Contribution Scheme and that the application of a special contribution under Section 48 (2) (c) would amount to double charging. I consider that the removal of a car parking space to accommodate the development is a specific and exceptional cost and can be treated as a separate issue.

7.8. Appropriate Assessment

A Stage 1 Screening for Appropriate Assessment was submitted with the application. The Screening document concluded that, *'In view of the best scientific knowledge and on the basis of objective information, it can be concluded that this application, whether individually or in combination with other plans and projects, will have no impacts upon the Natura 2000 sites*'.

7.8.1. In accordance with obligations under the Habitats Directives, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network,

before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

- 7.8.2. The proposed development is for the demolition of an existing house and outbuilding and the construction of a 2-4 storey block comprising 57 apartments, 21 car parking spaces, an ESB substation and all ancillary works.
- 7.8.3. 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 in view of the conservation objectives of those sites.

Section 3.3 of the Screening Report identified four European sites within 15kms of the application site:

- the Rye Water Valley/Carton SAC (001398), approximately 5km to the south-west and,
- North Bull Island SPA (004006), approximately 13km to the east,
- Glenasmole Valley SAC (001209), approximately 14km to the south and,
- the South Dublin Bay and River Tolka Estuary SPA (004024), approximately 14.8km to the south-east.

7.8.4. The report sets out the conservation interests for which these sites have been designated and the conservation objectives listed by the NPWS.

7.8.5. The main potential risk factor is surface runoff from the site during the construction phase. During the operational phase foul water will discharge to the public foul water drainage system and the surface water will drain to the surface water system. There are no watercourses within or adjacent to the application site. The closest watercourse to the site is the Rusk stream which flows through Luttrellstown Golf Course, which is approximately 850 m to the south of the site and is a tributary to the river Liffey. There is no hydrological or ecological connectivity between the site and the closest designated sites.

7.8.6. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the zoning of the site for residential and town centre development, to the availability of public piped services including water and sewerage, to the nature of foreseeable emissions from the proposed development, to the patterns of development in the area and the separation distance between the application site and any of the Natura 2000 sites it is reasonable to conclude, on the basis of the information available which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any Natura 2000 sites and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that planning permission is granted for the development.

9.0 Reasons and Considerations

9.1. Having regard to the zoning of the site in the Fingal County Development Plan 2023 to 2029, for residential and town centre development, the pattern of development in the area, including extant permissions, the proximity of the site to public transport infrastructure, and, subject to compliance with the conditions below, it is considered that, the proposal would be in accordance with the provisions of the current Fingal County Development Plan, would not endanger public safety by reason of traffic hazard, would not injure the residential or visual amenity of property in the vicinity and would, therefore, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 22nd day of April 2022,
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	<p>except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The developer shall engage with Uisce Éireann prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p>Reason: In order to ensure a proper standard of development.</p>
6.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by</p>

	<p>the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interests of sustainable waste management.</p>
7.	<p>Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interests of residential amenity and proper waste management.</p>
10.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas,</p>

	<p>footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works and shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum of 10% of spaces to be fitted with functional electric vehicle charging points.</p> <p>Reason: In the interests of amenity and of pedestrian and traffic safety.</p>
11.	<p>A bat survey shall be carried out on the site prior to the commencement of development and the results of the survey shall be submitted in writing to the Planning Authority. Should the presence of bats or bat roosts be found on the site, detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: In the interest of nature conservation and wildlife protection.</p>
12.	<p>The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
13.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii</p> <p>(iii) Details of roadside/street planting.</p> <p>(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
14.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p>

	Reason: To ensure full and verifiable implementation of the approved landscape design.
15.	<p>(a) A project Arborist shall be appointed to oversee all works on the site. No works shall take place until an Arboricultural Method statement specifying measures to be taken for the protection of trees and hedgerows to be retained, together with proposals to prevent compaction of the ground over the roots of trees, has been submitted to, and agreed with the Planning Authority.</p> <p>(b) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(d) All tree/hedgerow felling shall be carried out by a qualified and experienced tree surgery contractor.</p> <p>(e) No landscaping or removal of vegetation or trees shall take place during the bird nesting season between the 1st of March to the 31st of August.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity and nature conservation.</p>

16.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
17.	<p>The developer shall comply with the following requirements of the Transportation Department of the Planning Authority.</p> <p>(a) The developer shall submit design details for written approval by the Planning Authority for the provision of a minimum 3.0m shared space for pedestrians and cyclists along the southern boundary of the site.</p> <p>(b) The proposed pedestrian access points to the north of the site shall be provided and detail of the gates agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>(c) The two pedestrian access points to the north shall remain under the control of the Planning Authority and shall be opened at a time to be determined.</p> <p>(d) Details of the cycle parking and storage shall be submitted to the Planning Authority for written agreement prior to the commencement of development.</p> <p>Reason: To ensure a satisfactory standard of development.</p>

18.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of residential amenity and public safety.</p>
20.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
21.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p>

	<p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
22.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
23.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering</p>

	<p>the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
24.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
25.	<p>The developer shall pay to the planning authority a financial contribution in accordance with the terms of the Development Contribution Scheme made under section 48,(2),(c) of the Planning and Development Act 2000, as amended, for the permanent removal of an on-street parking bay to facilitate the development, and for the provision of a controlled on-street parking space within the Clonsilla area as a result of the development. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of</p>

	<p>payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
26.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Clonsilla/Dunboyne (Pace) Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>

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.

Elaine Sullivan
Planning Inspector

16th of October 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-313792-22		
Proposed Development Summary	Demolition of house and outbuildings. Construction of apartments block comprising of 59 units and associated site works. AI received 22/4/2022, AI deemed significant, Revised public notices (SAI) received 29/04/22.		
Development Address	The Lodge, Clonsilla Road, Clonsilla, Dublin 15		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No			No EIAR or Preliminary Examination required
Yes	X	500 residential units	Class 10(b)(i) Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-313792-22	
Proposed Development Summary	Demolition of house and outbuildings and the construction of an apartment development comprising 59 units and associated site works.	
Development Address	The Lodge, Clonsilla Road, Clonsilla, 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
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for an apartment development in an urban village. There are extant permissions for apartment developments on neighbouring sites and the site is surrounded by single and two storey houses.</p> <p>The development would be connected to the public wastewater and waste services.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The scale of the development is larger than the existing housing but is not exceptional in the context of the existing and emerging pattern of development.</p>	<p>No</p>

<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There is an extant permission for a housing development on the neighbouring site. Cumulative impacts would relate to the construction stage.</p>	<p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No designations apply to the subject site.</p> <p>The development would be connected to the public wastewater services.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)