



An
Bord
Pleanála

Inspector's Report 314040-22

Development

Single-storey, parish centre extension; single-storey, detached Parish Priest accommodation; 3-storey, 58 unit sheltered housing apartment building; modifications to existing church parking area; and new fencing and landscaping works.

Location

St. Finian's Church, River Valley Parish, Swords, Co. Dublin.

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F21A/0654

Applicant(s)

Dunne Better Build Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party v. Decision

Appellant(s)

- (1) Angelo & Breda Cunningham
- (2) Cllr. Joe Newman
- (3) Board of Management of Holy Family JNS

Observer(s)

(1) River Valley Residents

(2) Edward Stevenson

(3) Arthur Browne

Date of Site Inspection

16th October 2023

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.13 ha and is located on the southern side of River Valley Road, Swords, Co. Dublin. St. Finian's Church is located on the north-eastern portion of the site adjacent to the junction of River Valley Road to the north and Forest Park Road (Pairc Na Foraoise) to the east. An area of surface car parking is laid out in the central area of the site, to the west of the church building. Vehicular access into the site is from River Valley Road within the northern site boundary. The western portion of the site is laid out in grass. Informal pedestrian paths extend through this grassed area, leading towards 2-storey, commercial buildings (Progressive Credit Union and Peacocks Bar and Lounge) located further to the south-west of the site. Mature trees demarcate the northern and eastern site boundaries adjacent to the public footpath and extend around the church building.
- 1.2. River Valley & Rathingle Community Centre, a part single-storey, part 2-storey building with surface car parking to the front, adjoins the site to the west. Holy Family Junior National School is located to the south. The school yard and basketball courts direct adjoin the appeal site. The school buildings are clustered further to the south at a minimum separation distance of approx. 47 m from the shared boundary, which comprises a palisade fence enclosed by a mature hedge. An entrance gate into the adjoining school is also in place within this boundary.
- 1.3. River Valley Road to the north of the site is characterised by a single-carriageway and segregated cycle paths in either direction, with a footpath set behind a grass margin on either side. A further grass margin with mature trees and planting is in place on the northern side of the road which extends to the rear of existing 2-storey dwellings at Nos. 5 – 49 River Valley Road. The lands to the east of the appeal site on the opposite side of Forest Park Road are characterised by single-storey, semi-detached dwellings.

2.0 Proposed Development

2.1. The proposed development will consist of:

(1) A single-storey parish centre extension of 167 m² to the west of the existing church building.

(2) Two-bedroom, single-storey detached Parish Priest accommodation of 120 m² to the south of the existing church building with 3 no. car parking spaces and vehicular access off Pairc Na Foraoise Road.

(3) A 3-storey 58 unit sheltered housing apartment building of 4,641 m² and associated uses to the west of the existing church building comprising 15 no. 1-bedroom and 43 no. 2-bedroom units, reception and meeting room, staff WC, storage rooms, refuse storage and service rooms, landscaped courtyard and internal walkways, 38 no. bicycle spaces, 30 no. car parking spaces and with vehicular access off River Valley Road.

(4) Modifications to existing church parking area and the addition of 2 no. car parking spaces to the existing 61 no. spaces plus 8 no. bicycle spaces.

(5) New fencing to north, east and west boundaries and all associated landscaping and site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council issued Notification of the Decision to Grant Permission for the proposed development subject to 24 no. conditions on 14th June 2022.

3.1.2. Condition no. 3 (b) restricts the occupation of the sheltered housing accommodation to the age cohort 55 years and over and shall not be sold, let or otherwise transferred or conveyed without prior planning permission. The proposed sheltered accommodation units shall not be sold to private individuals as habitable dwellings.

3.1.3. Condition no. 4 requires that the detached priest accommodation unit on site shall be restricted to residential use directly associated with the existing church on the site and shall not be used for any commercial purposes, and shall not be sold, let, leased

or otherwise transferred or conveyed by way of sale, letting or otherwise independently as a separate dwelling unit.

- 3.1.4. Condition no. 6 (c) requires a tree bond of €8,500 to be lodged prior to the commencement of development.
- 3.1.5. Condition no. 9 requires that the proposed development shall be provided with adequate noise insulation having regard to the location of the site within Dublin Airport Noise Zone D.
- 3.1.6. Condition no. 22 requires the lodgement of a bond in the amount of €236,000 or a cash sum of €147,500 to ensure the satisfactory completion of services to the taking in charge standard of the Local Authority of roads, open spaces, car parks and drains.
- 3.1.7. Condition no. 23 requires a financial contribution of €63,711 to be paid in lieu of open space provision based on a shortfall of 1,085.5 m² of open space.
- 3.1.8. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports (2nd February 2022, 20th April 2022 and 10th June 2022)

- 3.2.2. Following an initial assessment of the application, Fingal County Council's Planning Officer recommended that Further Information be requested in relation to the following:

(1) Further details clearly outlining the legislative basis under which Section 96 of the Planning and Development Act, 2000 (as amended) is not considered to apply to the subject development.

(2) Details regarding the intended use and occupation of the sheltered accommodation units on the site and to indicate willingness to accept a possible condition of permission relating to same.

(3) Details relating to the future management and maintenance of the proposed development which would be the responsibility of a legally constituted management company and/or approved housing body, to be established by the developer.

(4) An audit of available services that are accessible to the proposed sheltered accommodation units.

(5) A revised site layout plan indicating the existing pedestrian access gates located on the southern site boundary between the subject site and the school site.

Pedestrian access should be maintained from the subject site to the school site.

(6)(a) A Tree Survey, including an Arboricultural Impact Assessment & Tree Protection Plan.

(b) A revised Landscape Plan showing: (i) details of all proposed boundary treatments, (ii) additional planting to the front of the proposed sheltered accommodation building and along the roadside to function as screening of the building and car parking spaces, (iii) substitute proposed Portugues Laurel with a native species.

(7) (a) Details of further green proposals (e.g. tree pits, swales, rain gardens, rainwater butts & green roofs).

(b) Submit infiltration test results and the proposals that would follow.

(8) The applicant is requested to ascertain the requirements of the Environmental Health Officer for the proposed development.

3.2.3. The applicant submitted a **Response to the Request for Further Information** on 25th March 2022 which can be summarised as follows:

3.2.4. **Item No. 1:** It is accepted that the scheme is subject to Section 96 of the Planning and Development Act, 2000 (as amended).

3.2.5. **Item No. 2:** The apartment development is intended as sheltered housing for those over the age of 55 years. The applicant has liaised with the housing section of Fingal County Council which has confirmed that there is a need for this type of housing in the catchment area. The applicant has also liaised with the age-friendly housing section of Clúid Housing (known as Clann) which has provided a letter of interest in this regard. It is anticipated that this scheme would be fully sold to an Approved Housing Body, which would manage its ongoing and future maintenance. The applicant will accept a condition limiting the occupancy of the proposed units to age friendly / those over 55 years.

3.2.6. **Item No. 3:** An Operational Management Plan has been submitted.

- 3.2.7. **Item No. 4:** An audit / schedule of available services that are accessible to the proposed development has been provided.
- 3.2.8. **Item No. 5:** A revised Site Plan (Drawing No. 5438 (02) 102 – Rev. A) has been submitted which indicates the retention of the existing pedestrian gates to the school site to the south.
- 3.2.9. **Item No. 6 (a):** A Tree Survey & Tree Protection Plan and an Arboricultural Impact Assessment have been provided.
- 3.2.10. **Item No. 6 (b):** A revised Landscape Masterplan (Drawing No. DUN-SWO/LMP/001) and Services and Boundary Treatment (Drawing No. DUN-SWO/BT/001) have been provided.
- 3.2.11. **Item No 7:** Further green proposals have been developed for the site in consultation with the Water Services Dept. of Fingal County Council including tree pits, rain gardens in the landscaped courtyard, a commercial rainwater harvesting system and rainwater butts. A Services Layout Drawing (No. S1-001A), a Services Section Drawing (No. S4-001), a Ground Investigation Report prepared by Ground Investigations Ireland and correspondence from Conor Furey & Associates Engineers have been provided.
- 3.2.12. **Item No. 8:** A Construction Management Plan has been provided as discussed with the Environmental Health Officer.
- 3.2.13. In assessing the submitted information, the Planning Officer considered that the applicant had satisfactorily addressed the majority of the issues which had been raised. It was considered that **Clarification of Additional Information** was required in relation to the following:
- (1) (a)** Revised drawings to be submitted showing the retention of Tree No.1, Tree No. 3 and the existing street tree at the entrance to the proposed priest accommodation unit. A revised Tree Protection Plan also to be submitted.
- (1) (b)** The applicant is requested to submit a revised Landscape Plan substituting the proposed beech hedge with hazel.
- 3.2.14. The applicant submitted a **Response to the Request for Clarification of Additional Information** on 18th May 2022 which can be summarised as follows:

- 3.2.15. **Item No. 1 (a):** The retention of tree nos. 1 and 3 would require a substantial height increase in the proposed side and front access lanes in the vicinity of these trees, which could potentially cause floor level height and access issues for the proposed building. The proposed development will remove 15 no. existing site trees and include the planting of 27 no. new trees. A smaller existing tree will be moved to this location, along with new replacement cherry blossom trees and a seating area.
- 3.2.16. The proposed vehicular entrance to the priest's accommodation will be omitted, with access proposed within the existing site instead. Thus, the existing tree at Pairc Na Foraoise can be retained.
- 3.2.17. **Item No. 1 (b):** The proposed beech hedge has been substituted with hazel.
- 3.2.18. Fingal County Council's Planning Officer was satisfied that the applicant's response had adequately addressed the issues which had been raised and recommended that planning permission be granted for the proposed development subject to conditions.
- 3.2.19. **Other Technical Reports**
- 3.2.20. **Water Services (9th December 2021 and 1st April 2022):** Recommended that Further Information be requested in relation to: (1) further SuDS/green proposals for the development, and (2) results of proposed infiltration tests and proposed infiltration system.
- 3.2.21. Following the applicant's Further Information submission, no objections arose subject to conditions.
- 3.2.22. **Environment Section - Waste Enforcement and Regulation (16th December 2021):** No objection to the proposed development subject to conditions.
- 3.2.23. **Housing Department (12th January 2022):** Notes that details of compliance with Part V have not been provided.
- 3.2.24. **Transportation Planning (26th January 2022, 1st April 2022 and 26th May 2022):** No objection to the proposed development subject to conditions, including the submission of a revised site plan showing the existing pedestrian gate to the adjoining school site.
- 3.2.25. Following the applicant's Further Information and Clarification of Further Information submissions, no objections arose subject to conditions.

3.2.26. Parks Report (13th December 2021, 20th April 2022 and 27th May 2022):

3.2.27. Initial assessment required the following: (1) The preparation of a Tree Survey including an Arboricultural Impact Assessment & Tree Protection Plan; (2) the lodgement of a tree bond in the amount of €8,500 with the Council prior to the commencement of development, (3) in the event the street tree for the proposed driveway to the priest accommodation cannot be retained, upon substantial completion of construction works, a replacement tree with a minimum girth of 18-20 cm shall be planted as a replacement; (4) the submission of a revised Landscape Plan prior to the commencement of site works showing details of boundary treatments, additional planting to front of proposed main block and along the roadside and the substitution of Portuguese laurel with a native species such as hawthorn, hazel or similar, (5) the payment of a contribution in lieu for the public open space shortfall amounting to 1,085.5 m² towards the upgrade of Class 1 open space in the Swords area, namely the Ward River Valley.

3.2.28. Following the applicant's Further Information and Clarification of Further Information submissions, no objections arose subject to conditions.

3.3. Prescribed Bodies

3.4. **Irish Water (21st December 2021):** No objection to the proposed development subject to conditions.

3.5. **Irish Aviation Authority (8th April 2022):** No observations on the application.

3.6. Third Party Observations

3.6.1. A total of 53 no. third party observations were made on the application by: (1) Paul O'Connor, 8 Hilltown Road, River Valley, Swords, Co. Dublin, (2) Linda McGrath, 9 Ridgewood Avenue, Swords, Co. Dublin, (3) Jim Kenrick, 49 River Valley Road, Swords, Co. Dublin, (4) Karen Quinn, 28 Brookdale Road, Swords, Co. Dublin, (5) Brian and Danielle Corbally, 44 Brookdale Road, River Valley, Swords, Co. Dublin, (6) David & Edel Rooney, 19 Forest Park, River Valley, Swords, Co. Dublin, (7) Caoimhín Mac Eoghan, 54 Hilltown Park, River Valley, Swords, Co. Dublin, (8) Angelo & Breda Cunningham, 45 River Valley Road, Swords, (9) Board of Management, Holy Family Senior National School, River Valley, Swords, Co. Dublin, (10) Con and Maura Cunningham, 4 Forest Fields Road, River Valley, Swords, Co. Dublin, (11) Patricia Davey, 15 Hilltown Way, River Valley, Swords, Co. Dublin, (12)

Anne Sweeney, 21 Hilltown Way, River Valley, Swords, Co. Dublin, (13) Justyna Kalicinska and Artur Kalicinski, 17 Cherry Avenue, Swords, Co. Dublin, (14) Susan O'Loughlin, 11 River Valley Grove, Swords, Co. Dublin, (15) Michael O'Loughlin, 11 River Valley Grove, Swords, Co. Dublin, (16) Louise Cawley, 17 Brookdale Park, River Valley, Swords, Co. Dublin, (17) Valerie Wilson, 62 River Valley Drive, Swords, Co. Dublin, (18) Heidi and Stewart Mangan, 24 River Valley Avenue, Swords, Co. Dublin, (19) Noel and Mei Long, 7 Brookdale Grove, River Valley, Swords, Co. Dublin on behalf of Holy Family Parents and River Valley Residents Against the Proposed Sheltered Accommodation Adjacent to our Schools, (20) Liam Cullen, 38 Hilltown Park, River Valley, Swords, Co. Dublin, (21) Mark Boyd on behalf of St. Finian's GAA Club, River Valley Swords, (22) M Moore, 12 Brookdale Lawns, River Valley, Swords, Co. Dublin, (23) William Clarke, 5 Forest Park, (24) Lorna Murray, c/o Holy Family School, River Valley, Swords, Co. Dublin, (25) Mason Wilson-orr-Mangan, River Valley Avenue, Swords, Co. Dublin, (26) Niall and Emer Reynolds, 38 Cedar Avenue, Ridgewood, Swords, (27) Keith and Nicole Murphy, 17 Brookdale Lawns, Forest Road, Swords, Co. Dublin, (28) Yvonne and Terence Malone, 42 River Valley Grove, Swords, Co. Dublin, (29) Mary McNally, Principal of Holy Family Junior National School, River Valley, Swords, Co. Dublin, (30) Ashley & Claire Gill, 24 Brookdale Grove, River Valley, Swords, Co. Dublin, (31) Analise Ciantar, 34 Ashfield Avenue, Ridgewood, Swords, Co. Dublin, (32) David Judd, 8 Brookdale Lawns, River Valley, Swords, (33) Ciara Ní Bhruacháil, 17 Cherry Garth, Swords, Co. Dublin, (34) Joe O'Neill, 32 River Valley Road, Swords, Co. Dublin, (35) Laura, McGovern, 49 River Valley Road, Swords, Co. Dublin, (36) Jill Mynes, 6 Cedar Close, Ridgewood, Swords, Co. Dublin, (37) Leah Ward, no address stated, (38) Dolores Kavanagh, 7 Rivervalley Avenue, Swords, Co. Dublin, (39) Paul Gibson, 53 River Valley Grove, Swords, Co. Dublin, (40) John O'Brien, 26 Milltown Close, Swords, Co. Dublin, (41) Robert Ryan, 22 Ridgewood Park, Swords, Co. Dublin, (42) David McCormack, 39 Forest Hills, Forest Road, Swords, Co. Dublin, (43) Edel Gegan, 10 Cedar View, Ridgewood, Swords, (44) Rory & Michelle O'Brien, 26 Ridgewood Grove, Ridgewood, Swords, (45) Arthur Browne, 15 Brookdale Green, River Valley, Swords, Co. Dublin, (46) Ann and Daniel McGrane, 50 Cedar Grove, Ridgewood, Swords, (47) Alistair Michie, Cedar Park, Ridgewood, Swords, Co. Dublin, (48) Deirdre Walsh, 29 Cedar View, Ridgewood, Swords, Co. Dublin, (49) Brian & Caroline O'Reilly, 12 River Valley Heights, Swords, Co. Dublin, (50) Audrey

Bolger, 14 Cherry Garth, Swords, Co. Dublin, (51) Magdalena Poplonska and Muhammah Zahid, 58 Cedar Place, Ridgewood, Swords, Co. Dublin, (52) Yvonne Ward, 23 Forest Dale, River Valley, Swords, Co. Dublin, (53) A O'Toole (Chairperson), Board of Management, Holy Family Junior National School, River Valley, Swords, Co. Dublin.

3.6.2. Representations were also made on the application by: (1) Cllr Ann Graves & Louise O'Reilly TD, Unit 1A Coachyard House, Main Street, Swords, (2) Cllr Joe Newman, 21 Hilltown Close, River Valley, Swords, Co. Dublin, (3) Cllr Darragh Butler, 17 Highfield Close, Swords, Co. Dublin, (4) Cllr. Dean Mulligan, 29 River Valley Rise, Swords, Co. Dublin.

3.6.3. The issues which are raised can be summarised as follows: (1) excessive mass, height, scale and density of sheltered accommodation, (2) residential use not permitted under land use zoning, (3) safety issues with proposed vehicular exit, (4) balconies overlooking school yard, (5) traffic congestion, (6) increased demand for school places, (7) construction impacts, (8) extension of scout building and plans for parish hall are supported, (9) smaller housing units required, (10) lack of green space, (11) land belongs to the community, (12) inaccuracies in planning drawings – height of church, (13) apartments do not reflect the established character of the area, (13) impact on established green routes across the site, (14) loss of trees and green space, (15) impacts on adjoining school, GAA club grounds and community centre not considered, (16) ongoing access required between adjoining school site and existing church car park, (17) overlooking of rear gardens, (18) site should be used for community / school-related purposes, (19) safety concerns, (20) absence of suitable services and infrastructure to serve the development, (21) anti-social behaviour, (22) overshadowing, (23) soil infiltration tests required, (24) enhanced site screening may address security concerns, (25) sheltered accommodation is supported, (26) impact on school parking, (27) negative impact on local amenities and property values, (28) need for parish centre is unclear, (29) insufficient parking provision.

3.6.4. A total of 9 no. submissions are on file on the applicant's Response to the Request for Further Information from: (1) David McCormack, 39 Forest Hills, Forest Road, Swords, (2) A Cunningham, 45 River Valley Road, Swords, (3) Karen Quinn, 28 Brookdale Road, Swords, (4) David & Edel Rooney, 19 Forest Park, River Valley,

Swords, (5) C MacEoghan, 54 Hilltown Park, River Valley, Swords, (6) A O'Toole (Chairperson), Board of Management, Holy Family Junior National School, River Valley, Swords, (7) Mary McNally, (Principal), Holy Family Junior National School, River Valley, Swords, (8) Valerie Wilson, 62 River Valley Drive, Swords, and (9) Heidi & Stewart Mangan, 24 River Valley Avenue, Swords.

- 3.6.5. A representation was also made by Cllr Darragh Butler, County Hall, Main Street, Swords.
- 3.6.6. The new issues which are raised can be summarised as follows: (1) flooding of school grounds during construction of church building, (2) limited public consultation.
- 3.6.7. A further 7 no. submissions are on file on the applicant's response to the request for Clarification of Further Information from: (1) Mason Wilson-Orr Mangan, Holy Family Junior National School, (2) Karen Quinn, 28 Brookdale Road, River Valley, Swords, (3) Heidi & Stewart Mangan, 24 River Valley Avenue, Swords, (4) Angela O'Toole (Chairperson), Board of Management, Holy Family Junior National School, River Valley, Swords, (5) Mary McNally (Principal), Holy Family Junior National School, Forest Park, Swords, (6) Valerie Wilson, 62 River Valley Drive, Swords, and (7) C MacEoghan, Hilltown Park, River Valley, Swords, Co. Dublin. No new issues were raised.

4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. F94A/0555; ABP Ref. PL06F.094804:** Planning permission refused by An Bord Pleanála for a petrol service station on the basis that the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity by reason of its location and visual obtrusiveness in proximity to community facilities.
- **Other Relevant Planning History**
- 4.2. **Planning Authority Reg. Ref. F22A/006:** Planning permission granted on 7th July 2022 for the construction of a scout den consisting of a single-storey portal frame building with ancillary services and associated site works.
- 4.3. This application site adjoins the current appeal site to the south-west.

5.0 Policy and Context

5.1. Fingal Development Plan 2023 – 2029

- 5.1.1. While the Fingal Development Plan 2017-2023 was in force at the time this planning application was lodged, the 2023-2029 development plan has been adopted in the interim and is the relevant local planning policy document for the purposes of adjudicating this appeal case.

5.2. Land Use Zoning

- 5.2.1. The site is primarily subject to land use zoning “CI – Community Infrastructure” which has the objective to “provide for and protect civic, religious, community, education, health care and social infrastructure”. The uses which are permitted in principle on CI zoned lands include “community facility” and “sheltered accommodation” (for public operators only). All the built elements of the proposed development are proposed within this land use zoning.
- 5.2.2. A small section of the south-western corner of the site is subject to land use zoning “LC – Local Centre” which has the objective “to protect, provide for and/or improve local centre facilities”. While this part of the site is proposed to accommodate surface car parking and circulation space only, I note that “community facility” and “sheltered accommodation” uses are permitted in principle under this zoning.

5.3. Community Infrastructure

- 5.3.1. **Policy CLOSP3 (Timely Provision of Community Facilities):** Ensure the timely provision in conjunction with housing development of community services, resources and infrastructure, including schools, community, religious, and health facilities, required for the creation of sustainable communities.
- 5.3.2. **Objective CLOS07 (Community Infrastructure and Local Amenity):** Ensure that proposals do not have a detrimental effect on local amenity by way of traffic, parking, noise or loss of privacy of adjacent residents.
- 5.3.3. **Policy CLOSP7 (Variety of Community Facilities):** Ensure the timely provision of community services, recreational facilities (including playgrounds) and resources, including schools, community, religious, burial and health facilities, required for the creation of sustainable communities.

5.4. Sustainable Placemaking and Quality Homes

- 5.4.1. **Objective SPQHO11 (Housing Need):** Ensure that adequate and appropriate housing is available to meet the needs of people of all incomes and needs including marginalised groups within our communities, including but not limited to, Traveller households, older persons, people with disabilities, and the homeless, through an appropriate mix of unit types, typologies and tenures provided in appropriate locations and in a manner appropriate to specific needs.
- 5.4.2. **Objective SPQHPO19 (Range of Housing Options for Older People):** Promote a range of housing options within Fingal to cater for the housing needs and care requirements of older people. This includes independent and assisted living options and to support and promote the provision of specific purpose-built accommodation, including retirement villages, 'right-sizing' housing options and measures to ensure housing is adaptable to enable older people to continue living in their homes or in a home more suited to their needs. All LAPs and Masterplans will be assessed for suitability to provide housing for older people. Where there is an identified need or local demand, the appropriate housing option(s) will be included in the plan.
- 5.4.3. **Policy SPQHP23 (Affordable, Social and Specialised Housing):** Promote the provision of affordable and social housing and specialised housing including sheltered housing and housing for persons with disabilities.

5.5. Compact Growth, Consolidation and Regeneration

- 5.5.1. **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.

5.6. Development Management Standards

- 5.6.1. **Consolidation:** Section 14.5.1 of the plan states that the development of small infill sites in urban centres provides significant scope for well-designed residential development, including opportunities for older members of the community to avail of appropriately sized housing options in town centre locations with the benefit of proximity to community infrastructure, services, transport links and recreational amenities.

- 5.6.2. The standards relating to infill development are set out in table 14.4. Infill development shall, inter alia:
- Provide a high-quality design response to the context of the infill site.
 - Examine and address issues in relation to over-bearance, overlooking and overshadowing.
 - Respect and compliment the character of the surrounding area having due regard to the prevailing height, mass, and architectural form of buildings in the immediate vicinity of the site.
 - Provide a positive contribution to the streetscape.
- 5.6.3. **Apartment Development Standards:** Such development shall be assessed against the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020 (as may be updated).
- 5.6.4. **Sheltered Accommodation:** Section 14.11.4 of the plan states that the Council recognises that the provision of care for the elderly and other vulnerable people is an essential community requirement. Such facilities shall be supported in established centres, served by community infrastructure, services, recreational amenities and public transport links (Objective DMSO38 refers).
- 5.6.5. Applications for sheltered housing shall demonstrate the following:
- That the scale of the facility is appropriate to and in keeping with the character of the area.
 - The residential amenities of adjoining properties are safeguarded.
 - Schemes are provided with high-quality gardens and accessible open space for the benefit of residents.
 - Residents are provided with good-quality, appropriately-sized, on-site communal facilities and amenities to socialise with other residents and visitors.
 - Proposals must demonstrate a high degree of accessibility to local services, public transport and provision of good footpath links.
 - Is served by an appropriate level of parking.
 - High-quality design and appropriate use of materials.

- 5.6.6. **Objective DMOS40:** Accept reduced open space quantity standards for certain developments, including sheltered housing, where a reduction is deemed appropriate by virtue of the specific open space needs of the residents and where suitable accessible green open space is available. High-quality open space and landscaping plans shall be submitted with planning applications for these developments.
- 5.6.7. **Public Open Space:** For all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 ha per 1000 population (occupancy of 1.5 persons in the case of dwellings with 2 or fewer bedrooms). New residential development on infill / brownfield sites shall provide 12% of the site area as public open space. Objective DMSO53 enables the Planning Authority to seek a financial contribution in lieu of public open space where a shortfall arises. Note 5 of the **Fingal Development Contribution Scheme 2021-2025** also refers.
- 5.6.8. **Places of Worship:** Require that new or enlarged places of worship be located in places where they do not create unacceptable traffic congestion or parking difficulties nor cause a nuisance to existing residents or businesses (Objective DMSO82 refers).
- 5.6.9. **Bicycle Parking:** The minimum standards for sheltered housing are 1 long-term space per bedroom and 1 short-stay space per 20 bedrooms. Residential units of 1-2 bedrooms require 1 long-stay space, plus 1 per bedroom. A standard of 1 short-stay space per 10 spaces is identified for churches.
- 5.6.10. **Car Parking:** The normal car parking standard for sheltered accommodation in Zone 2 is 0.5 spaces per unit plus 1 visitor space per 5 units. The standard for residential units of 1-2 bedrooms is 1 space plus 1 visitor space per 5 units. The standard for a church is 1 space per 5 seats.
- 5.6.11. **Replacement of Removed Trees:** Ensure trees removed from residential areas are replaced, where appropriate, within the first planting season following substantial completion of construction works (Objective DMSO137 refers).

5.7. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022)

5.7.1. **SPPR1:** Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

5.7.2. The key development standards for apartment units in the context of this appeal case are summarised below.

- **Overall floor area:** 1-bedroom unit - 45 m²; 2-bedroom/3-person unit – 63 m² (not to comprise more than 10% of the total units); 2-bedroom/4-person unit – 73 m². The majority of the units shall exceed the minimum floor area standards by 10%.
- **Storage space:** 1-bedroom unit - 3 m²; 2-bedroom/3-person unit – 5 m²; 2-bedroom/4-person unit – 6 m². Storage for bulky items should also be provided outside individual apartments.
- **Dual Aspect Ratio:** Minimum 33% dual-aspect units in more central and accessible urban locations. Where single-aspect apartments are provided, the number of south-facing units should be maximised, with east and west facing units also acceptable. North-facing units may be considered where they overlook a significant amenity e.g. a park or waterbody.
- **Floor to Ceiling Height:** Min. of 2.4 m required, but 2.7 m encouraged.
- **Lift and Stair Cores;** Max. of 12 apartments per floor per core.
- **Private amenity space:** 1-bedroom unit – 5 m²; 2-bedroom/3-person unit – 6 m²; 2-bedroom/4-person unit – 7 m².
- **Communal amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/3-person unit – 6 m²; 2-bedroom/4-person unit – 7 m². The recreational needs of children must be considered as part of communal amenity space.

- **Bicycle parking:** 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per residential unit.

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

- Provision shall be made for the **storage and collection of waste** materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/lift core and designed for the projected level of waste generation and types and quantities of receptacles required.

5.8. Natural Heritage Designations

5.8.1. None.

5.9. EIA Screening

5.9.1. An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use).

5.9.2. It is proposed to construct 58 no. apartment units and 1 no. detached, 2-bedroom dwelling, which is significantly below the 500-unit threshold noted above. It is also proposed to build a parish centre extension of 167 m². The site has an area of 1.13 ha and is located within an existing built-up area but not in a business district. The site is therefore well below the applicable threshold of 10 ha.

5.9.3. The introduction of this residential and community use scheme would have no adverse impact in environmental terms on surrounding land uses. The site is not

designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not like to have a significant effect on any European site. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Fingal County Council, upon which its effects would be marginal.

- 5.9.4. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Three third-party appeals have been lodged against the Planning Authority's Notification of the Decision to Refuse Permission by: (1) Angelo and Breda Cunningham, 45 River Valley Road, Swords, Co. Dublin, (2) Cllr Joe Newman, 21 Hilltown Close, River Valley, Swords, Co. Dublin, and (3) The Board of Management of Holy Family Junior National School, River Valley, Swords, Co. Dublin.
- 6.1.2. The appeal of **Angelo & Breda Cunningham** can be summarised as follows:
- The lands are held in trust for the benefit of the local community and the proposed development does not meet this requirement.
 - Impact on built character of local area.
 - Overshadowing, overlooking and privacy impacts.
 - Overlooking of school grounds.
 - Insufficient parking.
 - Site entrance on bend on road, increasing hazards to other road users and pedestrians.

- No commitments given regarding the management and upkeep of the structure and its use for those aged over 55 years.
- Sheltered housing may be used as a hostel.
- Land should be used for school extension.
- There is no shortage of Council land on which sheltered housing could be accommodated.

6.1.3. The appeal submission from **Cllr Joe Newman** can be summarised as follows:

- The proposed development is not supported by the site's zoning objectives.
- Water supply for fire-fighting purposes has not been addressed in the application.
- Invasion of privacy of school children and teachers of Holy Family National School.
- Size and scale of the development is not appropriate in an area with privately-owned single and two-storey homes.
- The development contravenes objectives PM 49 and DM 93 of the Fingal Development Plan 2017-2023. The land should have been put to a more appropriate community use.
- The payment of a development contribution in lieu of open space is not appropriate. The development should be reduced in size to meet the required standards.
- The existing site trees should be protected.
- There is ambiguity about the type of housing development that has been permitted. The Board must examine how the proposed development will remain as sheltered housing.

6.1.4. The appeal from The **Board of Management of Holy Family Junior National School** can be summarised as follows:

- There are 3 no. schools in the immediate vicinity of the proposed development and huge traffic constraints already exist. There are health and safety issues

regarding getting children safely to school without additional accommodation being placed on an already busy road.

- Planning permission was refused for a previous application on the site (Planning Authority Reg. Ref. F94A/0555).
- Access to the site is situated on a bend in the road.
- Balconies of proposed sheltered accommodation will overlook the adjoining school yard.
- The adjoining Peacock's pub was previously granted planning permission for a balcony subject to the condition that it was not used during school hours. The same protection is not being afforded under the proposed development.
- The details of who will operate and manage the development in the future are vague.
- The proposal to remove existing planting and replace it with lower height planting offers less screening and protection to school children.
- Noise impacts on proposed accommodation from the adjoining school will increase tensions within the area and have a direct impact on public health and well-being for both residents of the proposed development and the school community.
- Construction impacts on school children.

6.2. First Party Response

6.2.1. A response to the appeals was lodged by Demesne Architects + Interior Designers and Furey Engineers on behalf of the applicant on 9th August 2022 and can be summarised as follows:

- The site was sold to the Laurence O'Toole Trust in March 1980.
- The project will cater for the local community by providing housing for residents aged over 55 years and will benefit directly from the Council's upgrade of the road infrastructure adjacent to the site. There is currently more than 1800 people on the housing list in this area.

- The previous application (Planning Authority Reg. Ref. F94A/0555) which was refused permission on the site was commercial in nature (petrol station).
- Sheltered accommodation is permitted under the “CI – Community Infrastructure” zoning which applies to the site.
- The applicant is in ongoing discussions with the Council regarding their social and affordable housing obligations on zoned land.
- The context for the new development is varied and the sheltered housing residents will be able to avail of nearby local amenities and integrate with the local community.
- The total private and communal open space provision on the site exceeds requirements, and as such, the removal of condition no. 23 of the Planning Authority’s grant of permission would be welcomed.
- The height of the proposed development allows for the efficient use of the site by using a smaller footprint and leaving larger areas open. Screen planting facing the adjoining properties to the south and west is provided as per the landscape layout.
- The sightlines to the proposed development are in accordance with DMURS criteria for visibility.
- The development will typically provide for low vehicle usage when in operation. The proposed parking provision was approved by the Council.
- While the church currently permits it, there is no right-of-way registered for access through the church grounds to the adjacent school. The development does not inhibit this access and allows for the existing access and gate from the church car park to the school grounds to be retained.
- Noise is a function of urban living. There are regulations relating to noise arising during construction works.
- The use of the building as sheltered accommodation is conditioned and safeguarded in the permission (condition no. 3b refers).
- A Construction Management Plan will control construction stage impacts and will be subject to Council approval.

- More trees will be planted on site than are being removed.
- Management of the sheltered housing is conditioned in the grant of permission. Non-compliance with this requirement is a breach of planning permission and liable to planning enforcement.
- The 2-storey, semi-detached dwellings to the north of the site are buffered by the road, footpaths, cycle paths and wide green verge with a row of high mature trees. The rear wall of dwelling nos. 31 – 49 is approx. 55.9 m away from the proposed building at its closest point. As such, the proposed sheltered housing will have little impact on these dwellings.
- The proposed accommodation is sheltered housing for elderly residents and there is no reason this development cannot operate adjacent to a school site. Other examples of residential developments that are adjacent to school grounds include St. Patrick's Girls Primary School and Boys National School in Ringsend and McCauley Place in Naas.
- The storm water design assumes no infiltration capacity and the drainage network and attenuation systems are designed as such.
- Surface water run-off is designed in accordance with The Greater Dublin Drainage Strategy and CIRIA 753. There is no risk to river basin management.
- The Institute of Hydrology Report 124 "Flood Estimation for Small Catchments" is applicable to the site and allowances for climate change have been made since the report was published.
- The use of the greenfield run-off rate is the correct methodology for the site as it is not developed.
- The current Irish Water capacity registers for water and wastewater indicate that there is capacity available in the network in the area.
- Water supply for firefighting purposes would typically be addressed during the application for a Fire Safety Certificate for the development.

6.3. Planning Authority Response

- 6.3.1. A response to the appeal was received from Fingal County Council on 5th August 2022. In the event the decision to grant permission is upheld by the Board, it is requested that condition no. 6 (tree bond), no. 22 (bond/cash security), no. 23 (open space) and no. 24 (section 48 levy) are included in the Board's determination. It is noted that the bond condition is the Council's sole mechanism to ensure that the roads/footpaths/public lighting/open spaces/underground services within the development are built to the Council's taking-in-charge standard.

6.4. Observations

- 6.4.1. Observations on the appeal were made by: (1) River Valley Residents, 49 River Valley Road, Swords, Co. Dublin, (2) Edward Stevenson, 12 Miller's Avenue, Miller's Glen, Swords, Co. Dublin, and (3) Arthur Browne, 15 Brookdale Green, River Valley, Swords, Co. Dublin.
- 6.4.2. No new issues have been raised (see section 3.6 of this report for a summary of issues raised in the third-party submissions).

7.0 Assessment

- 7.1. I am satisfied that the main issues arising for consideration in this case include:

- Principle of the Development / Land Use Zoning
- Scale / Height of the Development
- Overlooking and Overshadowing Impacts
- Site Access / Traffic Impacts / Parking
- Site Landscaping / Tree Loss
- Overall Standard of Development
- Appropriate Assessment

- 7.2. Each of these issues is addressed in turn below.

7.3. Principle of the Development / Land Use Zoning

- 7.3.1. Angelo & Breda Cunningham submit that the appeal lands are held in trust for the benefit of the local community and that the proposed development does not meet this requirement. It is submitted that the site should be used to facilitate the extension of the adjoining schools. Cllr. Joe Newman states that the proposed development is not supported by the site's land use zoning. Concerns are also raised that the sheltered accommodation could be used as a hostel.
- 7.3.2. The applicant's agent submits that the site was sold to the Laurence O'Toole Trust in March 1980. The applicant's interest in the site is confirmed in Question 10 of the planning application form and letters of consent to make the application have been provided by the site owners. As such, I am satisfied that the applicant's interest in the land and their ability to submit the application have been clarified. In any event, I would draw the Board's attention to Part III, Section 34 (13) of the Planning and Development Act, 2000 (as amended) which states that "a person shall not be entitled solely by reason of a permission under this section to carry out any development". While the appellants submit that the site should be used to facilitate an extension to the adjoining school, I note that an application has not been brought forward on this basis, and that the current proposal must be adjudicated on its merits. In the event the Board grants planning permission for the proposed development, I note that any unauthorised use of the development outside of the terms of the permission, such as its use as a hostel, would be an enforcement matter.
- 7.3.3. The development plan matrices confirm that "sheltered housing" and "community facility" uses are permitted in principle under the site's "CI" and "LC" land use zoning objectives. The provision of sheltered accommodation on CI zoned lands is subject to the caveat "for public operators only". This caveat did not apply under the Fingal Development Plan 2017-2023, which was in force at the time this planning application was lodged.
- 7.3.4. In responding to the Planning Authority's Request for Further Information, the applicant states it is anticipated the scheme will be sold to an Approved Housing Body, which would manage its ongoing and future maintenance. A letter from Clúid Housing accompanies the application, confirming this housing body's interest in

developing age friendly housing at this location. The applicant is also willing to accept a planning condition limiting the occupancy of the units to age friendly / those aged over 55 years. I further note that St. Laurence O'Toole Diocesan Trust is confirmed as one of the site owners, and that the proposed development will include the delivery of associated community facilities, including a parish centre extension and a detached residential unit to be used as priest accommodation.

7.3.5. Thus, while I acknowledge the caveat which applies in this instance, I note that sheltered accommodation is permitted in principle on the site and that planning permission has explicitly been sought for this form of development as described in the statutory notices. In interpreting the nature of the caveat, and in the absence of any further clarification in relation to same in the development plan, I note that it specifically relates to the “operator” of such developments, rather than the nature of the applicant. As such, in my opinion, this caveat does not preclude private developers from submitting planning applications for this form of development. In any event, should the Board decide to grant permission in this instance, I consider that details regarding the ongoing operation, management and maintenance of the sheltered accommodation could be agreed with the Planning Authority by way of condition.

7.3.6. Thus, in conclusion, I am satisfied that the principle of the proposed development is acceptable, subject to its compliance with all other relevant development plan policies and standards.

7.4. Scale / Height of the Development

7.4.1. Cllr. Joe Newman submits that the size and scale of the development is not appropriate in an area characterised by privately-owned, single and two-storey homes. Angelo & Breda Cunningham submit that the proposed development will impact on the character of the local area. The applicant's agent submits that the height of the proposed development allows for the efficient use of the site by using a smaller footprint and leaving larger areas open.

7.4.2. The appeal site has an area of 1.13 ha and generally has an open, rectangular configuration, save for the church building which is largely screened by existing trees. The school buildings to the rear are also screened by the existing hedgerow which extends along the shared boundary. The 2-storey rear elevation of the

adjoining community centre backs onto the western boundary of the site and is visible from River Valley Road. The 2-storey dwellings to the north at River Valley Road and the single-storey dwellings to the east at Forest Park Road do not directly adjoin the appeal site, and as such, do not significantly influence its character. Having regard to the foregoing, I consider that the site is not unduly constrained in setting its own context.

- 7.4.3. In my opinion, the development of a 3-storey apartment building on the site would have no significant negative impact on the mixed-use character of the area. I also consider that the proposed priest accommodation and parish centre extension would be consistent with the existing use of the site. In my opinion, a development which extends from 1-3 storeys in height cannot reasonably be considered excessive in scale or height in an established suburban area of Dublin, and I note that the proposed development would be in accordance with Objective SPQHO37 of the development plan which seeks to support residential consolidation and sustainable intensification. Having regard to the foregoing, I am satisfied that the scale and height of the proposed development would be acceptable on the subject site.

7.5. Overlooking and Overshadowing Impacts

- 7.5.1. Angelo & Breda Cunningham submit that the proposed development will result in overshadowing, overlooking and privacy impacts to their property. The Board of Management of Holy Family Junior National School submits that the balconies of the proposed development will overlook the adjoining school yard. Cllr. Joe Newman also raises concerns in relation to the impact of the proposed development on the privacy of school children and teachers. The applicant's agent submits that there is no reason why a sheltered accommodation scheme cannot be built adjacent to an existing school, with precedents identified. It is also submitted that the proposed development will have little impact on the dwellings on the northern side of River Valley Road due to the separation distances arising and the nature of existing screening along the public road.
- 7.5.2. The issues which have been raised relate to the sheltered accommodation component of the proposed development only. In considering the concerns of Angelo & Breda Cunningham, I note that the appellants reside at No. 45 River Valley Road, which is located on the opposite side of the public road, to the north of the appeal

site. The front elevation of the proposed sheltered accommodation is set back from the front boundary of the appeal site by a minimum distance of 11.43 m (see Proposed Site Plan Drawing No. (01) 102 Rev. B submitted at Clarification of Further Information stage). A further separation distance of approx. 38 m arises between the front boundary of the appeal site and the rear elevation of the appellants' property. In my opinion, this is a generous overall separation distance in an urban context.

- 7.5.3. I further note that the public road extends between the appeal site and the appellants' property and that the existing boundary wall to the rear of the appellants' property, and the mature trees within the adjoining grass verge, largely screen views of the appellants' property from the public road. Thus, I am satisfied that the proposed development would have no unacceptable overshadowing, overlooking or privacy impacts in this context and that the appellants' concerns in this regard are unfounded.
- 7.5.4. In considering the impact of the proposed development on Holy Family Junior National School, I would note that I am not aware of any planning policy or development management standard which would preclude the location of a sheltered housing development adjacent to an existing school. I also note that national and local planning policy seeks to make the most efficient use of zoned, serviced land in urban areas. The proposed development comprises a managed residential scheme for persons aged over 55 years. The site is in an established suburban area, which is already characterised by a mix of community, residential, commercial and educational uses. While the school has raised concerns in relation to noise and construction impacts on school children on foot of the proposed development, I note that these issues can be controlled through the preparation and agreement with the Local Authority of a Construction Management Plan. This matter can be addressed by condition if the Board decides to grant permission in this instance.
- 7.5.5. The southern elevation of the proposed sheltered accommodation is set back from the shared boundary with Holy Family Junior National School by 6.09 m as identified on the applicant's site plan (Drawing No. 01-102 Rev. B). The school yard and basketball courts adjoin the shared boundary with the appeal site, which comprises a palisade fence enclosed by mature hedging. While the adjoining school buildings are not shown on the site plan drawing, I estimate they are located at a minimum distance of approx. 47 m from the shared boundary.

7.5.6. While I acknowledge that the proposed development includes balconies at the 1st and 2nd floor levels, I note that these are partially recessed within the building façade. I also note that it is not proposed to remove the coniferous hedging along the southern site boundary, which will be pruned and supplemented by mixed specimen tree planting within the appeal site. Having regard to the foregoing, including the separation distances arising, I am satisfied that no undue overlooking impacts would occur on the foot of the proposed sheltered accommodation block which would warrant a refusal of permission in this instance.

7.6. Site Access / Traffic Impacts / Parking

- 7.6.1. Angelo & Breda Cunningham and the Board of Management of Holy Family Junior National School have raised concerns that the site entrance is located on a bend in the road, increasing hazards to other road users and pedestrians. It is noted that there is already significant congestion on the local road, and that the proposed development will increase traffic volumes. It is also submitted that insufficient car parking has been provided. In response, the applicant's agent submits that the sightlines at the entrance comply with DMURS criteria; that the operational development will provide for low vehicle usage; and, that the proposed parking provision was approved by the Planning Authority.
- 7.6.2. In considering the foregoing, I note that the Transportation Planning Division of Fingal County Council had no objection to the proposed development on technical or road safety grounds. In my opinion, the scale of the proposed development would not result in a significant increase in traffic volumes on the local road network.
- 7.6.3. The development plan car parking standards result in a requirement for 41 no. spaces to serve the sheltered accommodation, plus 1 additional space for the priest accommodation. The number of seats within the church is not confirmed, and as such, it is not possible to determine the parking requirement arising in this instance.
- 7.6.4. It is proposed to provide 28 no. parking spaces for the sheltered accommodation, 3 no. spaces to serve the priest's accommodation and 63 no. spaces for the church. While I note that the parking for the proposed sheltered accommodation is lower than the identified development plan standards, in my opinion, the proposed quantum would be acceptable.

7.6.5. In reaching this conclusion, I note that the 2020 Apartment Design Guidelines state that a reduced parking standard must be considered for urban/suburban locations served by public transport. The site is served by inbound and outbound Dublin Bus stops within approx. 100 m to the east along River Valley Road. I also note its proximity to local services to the south-west, including an Aldi food store. I also consider that the proposed parking to serve the church is acceptable based on the scale of the building. Overall, I am satisfied that the proposed level of car parking is acceptable.

7.7. Site Landscaping / Tree Loss

7.7.1. Cllr. Joe Newman submits that the existing site trees should be protected, and that the payment of a development contribution in lieu of open space is not appropriate. It is considered that the development should be reduced in size to meet the required standards. The Board of Management of Holy Family Junior National School submits that the proposal to remove existing planting and replace it with lower height planting offers less screening and protection to school children.

7.7.2. In responding to the foregoing, the applicant's agent states that screen planting is proposed to the adjoining properties to the south and west and that more trees are being planted than removed. It is also submitted that the total private and communal open space provision on the site exceeds requirements, and as such, the removal of condition no. 23 of the Planning Authority's grant of permission (financial contribution in lieu of open space) would be welcomed.

7.7.3. I acknowledge that the existing mature trees are an attractive site feature, and that the loss of some of the specimens is regrettable. However, I consider that the loss of any existing trees must be considered in the context of the site's potential to deliver additional community facilities and 58 no. sheltered housing units. I also note that the Planning Authority sought additional information and clarification of additional information in relation to tree retention / site landscaping, with the applicant meeting on-site with the Transport and Parks Departments to identify appropriate solutions to the retention of site trees.

7.7.4. It is proposed to remove 15 of the 46 existing site trees and to plant 27 new trees. The proposed vehicular entrance to the priest's accommodation from Forest Park Road has been omitted to enable the existing semi-mature specimen trees at this

location to be retained. The existing trees along the northern and eastern boundaries of the church will also be retained. While the existing trees on the south-western side of the church will be removed, it is proposed to relocate one of the existing cherry blossom trees from the north-western site corner to the south of the church building, where a public seating circle, with additional cherry tree planting will be created. Mixed-species tree planting is also proposed to the southern, eastern and western boundaries of the sheltered housing, with hedging planting proposed to its northern, eastern and western boundaries. While the Board of Management of Holy Family Junior National School raises concerns that the planting along the shared boundary is lower than the existing, I note with reference to the Landscape Masterplan (Drawing No. DUN-SWO/LMP/001A) that the protruding neighbouring coniferous hedge is to be kept pruned to 300-500 mm from the existing railings at this location. As such, the proposed tree planting along the shared boundary will supplement the existing hedging, which I consider to be acceptable. Overall, I am satisfied that a reasonable balance has been struck between retaining and supplementing the existing planting on the site and I consider the overall landscaping approach to be acceptable.

- 7.7.5. In considering the applicant's request to omit condition no. 23 of the Planning Authority's decision, I note that the Parks Department identified that a contribution in lieu of a public open space shortfall of 1,085.5 m² was required. This was calculated based on a requirement for 2,212.5 m² of open space (occupancy of 88.5 bedspaces x 25 m²), minus the proposed on-site provision of 1,130 m².
- 7.7.6. In reviewing the applicant's site plan, I note that an area of open space of 2,794 m² is identified. It is unclear whether this figure includes the private balconies associated with each apartment unit and the communal open space within the block, which has a stated area of 919 m². In reviewing the remainder of what could be considered public open space within the site, I note that it comprises ancillary spaces around the church building, which would have limited overall amenity value as public open space. As such, I agree that a financial contribution in lieu of public open space provision within the site would be appropriate as provided for under the development plan and the Fingal County Council Development Contribution Scheme 2021-2025. This matter can be agreed by way of condition should the Board grant permission for the proposed development.

7.8. Overall Standard of Development

- 7.8.1. Overall, I am satisfied that the proposed development would comprise an acceptable infill scheme at this location, which would provide 58 no. apartment units for those aged over 55 years, as well as additional community facilities associated with the existing church. I note that all the sheltered apartment units exceed the minimum floor area requirements under the Apartment Design Guidelines, 2020. All the proposed units are dual aspect. The private open space provided to each unit also meets or exceeds the required standards.
- 7.8.2. The units are arranged in a perimeter block configuration with an internal separation distance of 36.73 m arising in a north-south direction and 24.535 m in an east-west direction. I consider these separation distances to be acceptable. I also consider that the internal courtyard will provide a useful communal amenity space for the benefit of future residents and visitors.
- 7.8.3. The Planning Authority has confirmed that the site is located within Dublin Airport Noise Zone D and has attached a condition in relation to noise insulation (condition no. 9 refers). I recommend that a similar condition be attached if the Board decides to grant permission for the proposed development.

7.9. Appropriate Assessment

- 7.9.1. I have reviewed the Planning Authority AA screening assessment, which concluded that an AA of the proposed development is not required. The subject site is not located within or directly adjacent to any European site, and as such, there is no potential for **direct impacts** to occur. The closest European sites to the appeal site include Malahide Estuary SAC (site code: 000205) and Malahide Estuary SPA (site code: 004025) both of which are located approx. 3 km to the north-east.
- 7.9.2. In considering the potential for **indirect impacts** to occur, I note that there is no hydrological connection between the subject site and the identified European sites, or any other such site, and that it does not support any of the habitats or species which are qualifying interests for these European sites (see Appendix 1 of this report for details). Thus, there is no potential for indirect impacts to occur, and as such, any potential **in-combination** impacts can be excluded.
- 7.9.3. In applying the source-pathway-receptor concept, and having regard to the nature and scale of the development, comprising an infill scheme of 58 no. sheltered

housing apartment units, a parish centre extension and single-storey priest accommodation building in an established suburban area, the availability of public water and wastewater services to facilitate the development, and the separation distances arising to the nearest Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. I recommend that planning permission be granted for the proposed development.

9.0 Reasons and Considerations

9.1. Having regard to the location of the subject site within an established, mixed-use suburban area, the “CI – Community Infrastructure” and “LC – Local Centre” land use zoning objectives which apply to the site, under which “community facility” and “sheltered accommodation” uses are permitted in principle, the nature and scale of the proposed development, and the pattern of development adjoining the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 25 th day of March 2022 and on the 18 th day of May 2022, 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
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	<p>accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<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>
3.	<p>Prior to the commencement of development, the developer shall enter into an agreement with the planning authority to provide for the payment of a financial contribution in lieu of public open space within the site in accordance with Section 14.3.2 of the Fingal Development Plan 2023-2029 and the Fingal County Council Development Contribution Scheme 2021-2025 made under Section 48 of the Planning and Development Act, 2000 (as amended). The amount of the contribution shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the</p>

	<p>Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
4.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
5.	<p>Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to ensure the protection of trees on and immediately adjacent to the site and to make good any damage caused during the construction period. 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 facilitate the protection of existing trees on the site, which represent an important amenity and should be substantially maintained.</p>
6.	<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,</p>

	<p>as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
7.	<p>(a) No material change of use of any of the buildings in the proposed development shall take place without a prior grant of planning permission.</p> <p>(b) The occupation of the sheltered accommodation units on site is restricted to age cohort 55 years and older and which shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission.</p> <p>(c) The proposed sheltered accommodation units shall not be sold to private individuals as habitable dwellings.</p> <p>Reason: In the interest of clarity.</p>
8.	<p>The use of the proposed detached priest accommodation unit shall be restricted to residential use directly associated with the existing church on the site. The unit shall not be used for any commercial purposes, and shall not be sold, let or otherwise transferred or conveyed by way of sale, letting or otherwise, as a separate dwelling unit.</p> <p>Reason: In the interest of the proper planning and development of the area.</p>
9.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house 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</p>

	<p>developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility.</p>
10.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development 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>
11.	<p>Prior to the occupation of the proposed sheltered accommodation, a Final Operational Management Plan shall be submitted for the written agreement of the Planning Authority.</p> <p>Reason: To ensure an appropriate standard of development.</p>
12.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
13.	<p>Prior to the commencement of development, the developer shall submit a plan for the written agreement of the Planning Authority containing details of the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste in the interests of protecting the environment.</p>
14.	<p>All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and</p>

	<p>agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
15.	<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.</p> <p>Reason: In the interests of public safety.</p>
16.	<p>The construction of the development shall be managed in accordance with a Construction 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 provide details of intended construction practice for the development including the hours of working, traffic management arrangements, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
17.	<p>The proposed landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the development, 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>
18.	<p>The proposed development shall be provided with adequate noise insulation having regard to the location of the site within Dublin Airport Noise Zone D.</p> <p>Reason: In the interest of public health and residential amenity.</p>
19.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>

20.	<p>Water supply and drainage arrangements, including the 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>
21.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

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.

Louise Treacy
Senior Planning Inspector

23rd October 2023

Appendix 1: Natura 200 Sites – Qualifying Interests & Conservation Objectives

Malahide Estuary SAC (site code: 000205)	
Qualifying Interests	<p>. Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>. Salicornia and other annuals colonising mud and sand [1310]</p> <p>. Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>. Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>. Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>. Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
Conservation Objective(s)	<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Malahide Estuary SAC [1140]</p> <p>To maintain the favourable conservation condition of Salicornia and other annuals colonising mud and sand in Malahide Estuary SAC [1310]</p> <p>To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) in Malahide Estuary SAC [1330]</p> <p>To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in Malahide Estuary SAC [1410]</p> <p>To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in Malahide Estuary SAC [2120]</p>

	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Malahide Estuary SAC [2130]
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Malahide Estuary SPA (site code: 004025)	
Qualifying Interests	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>
Conservation Objective(s)	<p>To maintain the favourable conservation condition of Great Crested Grebe in Malahide Estuary SPA [A005]</p> <p>To maintain the favourable conservation condition of Light-bellied Brent Goose in Malahide Estuary SPA [A046]</p> <p>To maintain the favourable conservation condition of Shelduck in Malahide Estuary SPA [A048]</p>

	<p>To maintain the favourable conservation condition of Pintail in Malahide Estuary SPA [A054]</p> <p>To maintain the favourable conservation condition of Goldeneye in Malahide Estuary SPA [A067]</p> <p>To maintain the favourable conservation condition of Red-breasted Merganser in Malahide Estuary SPA [A069]</p> <p>To maintain the favourable conservation condition of Oystercatcher in Malahide Estuary SPA [A130]</p> <p>To maintain the favourable conservation condition of Golden Plover in Malahide Estuary SPA [A140]</p> <p>To maintain the favourable conservation condition of Grey Plover in Malahide Estuary SPA [A141]</p> <p>To maintain the favourable conservation condition of Knot in Malahide Estuary SPA [A143]</p> <p>To maintain the favourable conservation condition of Dunlin in Malahide Estuary SPA [A149]</p> <p>To maintain the favourable conservation condition of Black-tailed Godwit in Malahide Estuary SPA [A156]</p> <p>To maintain the favourable conservation condition of Bar-tailed Godwit in Malahide Estuary SPA [A157]</p> <p>To maintain the favourable conservation condition of Redshank in Malahide Estuary SPA [A162]</p> <p>To maintain the favourable conservation condition of the wetland habitat in Malahide Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it [A999]</p>
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