



An
Bord
Pleanála

Inspector's Addendum Report

ABP-320519-24

Development	Construction of a mixed-use commercial and residential building, together with all associated site works.
Location	Site to the east of PTSB Bank, Main Street, Blanchardstown, Dublin 15.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	FW24A/0218.
Applicant(s)	Patrick Molloy.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Patrick Molloy.
Observer(s)	Michael Collins, Sarah Barrett and Jeremiah Griffin and Brian Heerey.
Date of Site Inspection	11 th October 2024.

Inspector

Ciarán Daly

1.0 Site Location and Description

1.1. This report is an addendum report to the Inspector's Report in respect of ABP-320519-24 (dated 26th November 2024).

1.2. On the 5th December 2024 the Board decided to defer consideration of this case and to issue a Section 137 notice to the parties. This considered the issues of residential amenity and the operability of the retail space to be new issues and invited all parties to make a submission in writing on these issues. This was noted having regard to:

- Section 14.6.1 of the Development Plan in relation to the quality of residential amenity provided to future residents in the proposed development with reference to the fenestration on to the public lobby areas from the kitchen/dining area of Apartment Numbers 3, 8 and 13 and on to the void space for Apartment Numbers 2, 7 and 12 and in terms of the preponderance of north facing windows in Apartment Numbers 5, 10 and 15.
- Section 7.5.4 of the Development Plan and retail objectives which aim to achieve sustainable, vibrant and prosperous village centres and to avoid vacancy and in relation to the operability of the retail space for future occupants given the lack of internal access to the staff welfare facilities and waste storage area and the provision of shared waste bins for six commercial units.

- 1.3. Responses were received within the required time period from Stephen Molloy Architects on behalf of Patrick Molloy, Fingal County Council, Sarah Barrett and Jeremiah Griffen; and Michael Collins.
- 1.4. On the 11th March 2025 the Board decided, in the interests of justice, to circulate under Section 131 of the 2000 Act (as amended) the responses submitted by the parties to the Section 137 request.
- 1.5. Responses in respect of the above request were received from Sarah Barrett and Jeremiah Griffen, Michael Collins, Stephen Molloy Architects on behalf of Patrick Molloy and Fingal County Council.
- 1.6. The Board considered the submissions on the file and the Inspector's Report on 6th May 2025. It considered that no new planning issues were raised in the submissions received and that no further circulation under Section 131 was necessary. The Board directed that the file be returned to the Inspectorate for an addendum report.

2.0 Responses to the Board's Decision to Request for Submissions/Observations

Stephen Molloy Architects on behalf of Patrick Molloy

- 2.1. The response to the Section 131 request of the Board can be summarised as follows:

Section 14.6.1 of the Development Plan

- The design in relation to windows in Apartments 3, 8, 13 and 2, 7 and 12 sought to remove interior dark space and replace them with modern open well zones.
- The provision of internal windows facing into the lobby area means this will create a semi-private space to the 5 apartments at each level with a mini street formed encouraging passive interaction between residents.

- The internal windows with small opening sections will provide for cross ventilation reducing reliance on mechanical ventilation.
- To avoid direct overlooking, manifestations on the glass windows to a height of 1.65m are proposed over the entire glazed area if deemed necessary.
- The internal windows create dual aspect rooms with daylight from the lightwell.
- The applicant would be happy for the internal windows to be omitted by condition if required but this would interfere with the innovative design solution.
- Images of precedent high quality apartment design solutions are presented.
- In relation to the northern windows for Apartments 5, 10 and 15, these are reasonable as they are for bedrooms, the large window / screen door in the living room faces east, this was acceptable in apartments 4, 9 and 14, the high level windows into the living/dining areas in Apartments 5, 10 and 15 are in addition to the east facing window and avoid overlooking, the sunlight assessment confirmed compliance and the Apartment Guidelines confirm apartments on corners are considered to be dual aspect.

Section 7.5.4 of the Development Plan

- The retail unit facilities are designed to comply with Part M of the Building Regulations.
- The retail units will be initially constructed to 'shell and core' level. Water, drainage and electricity can be supplied to all 6 shops and they can provide their own internal W.C. infrastructure and staff facilities.
- The universal access W.C., staff room etc. are in addition to the shops' facilities and so a greater standard of facilities will be provided than the minimum required standard.
- A typical internal fitout layout is shown.
- The bicycle shed facilities are satisfactory with re-entry to the outside environment not considered a significant issue.

- There is no requirement for internal access to the shower or lockers.
- The universal access W.C. is required in the overall building under the building regulations but is not necessary in each of the 6 shops although this can be provided.
- The bin storage room is the final place for refuse in the shops and the shops will have their own small bin facility. Access is via a fully compliant pathway without the need to cross any roads. Refuse arrangements are the same at other commercial premises owned by the applicant in the vicinity.

Fingal County Council Response

2.2. The response from the Planning Authority can be summarise as follows:

- The development would offer unsatisfactory residential and work arrangements.

Sarah Barrett and Jeremiah Griffen

2.3. The response from the above two observers can be summarised as follows:

- In relation to Apartments 3, 8 and 13, serious negative residential amenity issues arise from the fenestration to the public areas from reduced privacy, lack of natural light, impact on ventilation, aesthetics, reduced security, noise impact, effect on light and reflection, impact on fire safety and social discomfort. This highlights the inadequacy of the available site.
- In relation to Apartments 2, 7 and 12, serious negative residential amenity issues arise from the windows onto the void space including limited natural light, reduced privacy, poor ventilation, noise, distance, expensive maintenance and suboptimal space planning. This highlights the inadequacy of the available site.
- In relation to Apartments 5, 10 and 15, serious negative residential amenity issues arise from the preponderance of north facing windows including reduced natural light, lower indoor temperatures, negative psychological

effects, limited views and aesthetic appeal, energy efficiency, limited solar integration potential, reduced market appeal, suboptimal space and fenestration.

- Serious negative impacts on the commercial sustainability of the retail units given the lack of toilets, inadequate waste storage resulting in overspill and health and safety issues from inadequate and external only access. The design is dependent on the use of the adjacent car park where conflicts with other users could arise and this is indicative of overdevelopment.
- The developer and architect's proposals represent significant overdevelopment of the available site.
- The bulk, mass and height of this building is on a site significantly smaller than that for which permission was granted in 2018 and 2009.

Michael Collins

2.4. The submission from the above observer can be summarised as follows:

Windows

- For apartments 3, 8 and 13, the location of the kitchen window facing the open access lobby leads to sub-optimal living conditions for reasons related to lack of privacy, lack of natural light, ventilation and odours, aesthetics, security, noise, light and reflection issues, fire safety and social discomfort. This is indicative of poor design. Opaque glass would be more unsettling.
- Clustered doorways for apartments 3, 8 and 13 and associated negative amenity concerns such as noise, privacy, congestion, security, conflict and air circulation issues. This is indicative of poor design.
- For apartments 2, 7 and 12, the kitchen/dining areas windows face a void which leads to issues related to limited natural light, reduced privacy, poor ventilation, noise disturbance, psychological effects, maintenance challenges and potential pollution consequences. Opaque windows will be unsettling for residents. Curtains/blinds would create a poor residential environment.

- For apartments 5, 10 and 15 where a preponderance of north facing windows leads to sub-optimal living standards as there would be reduced natural light, lower indoor temperatures, psychological effects, limited views and aesthetic appeal, reduced opportunities for indoor plant growth, energy inefficiency, limited solar integration potential, condensation and dampness and reduced market appeal.

Commercial Units

- 6 retail units with unspecified number of staff sharing toilet and shower facilities would be insufficient and inappropriate.
- The facilities would be accessed via a requirement to move outside the building.
- The disabled W.C. is inaccessible due to distance and route from the retail units.
- The lack of internal access to waste storage areas and will create health and safety issues, waste spills, security concerns and disruption to work flow.
- Lack of sufficient waste storage facilities with three bins for 6 commercial units insufficient. This will create issues in the car park, noise pollution and non-environmentally friendly building created and access issues.

3.0 Responses to the Responses of the Parties

Stephen Molloy Architects

- 3.1. The relevant aspects of the response on behalf of the applicant's architect can be summarised as follows:

Response to Fingal County Council Submission

- The letter from the P.A. advances no new arguments and identifies no specific area of non-compliance with the CDP.
- The site is fully serviced, located immediately on the Main Street and access is available on three sides, why is it restricted?

- The site is a strategic site for the town and is on the vacant site register to encourage its full utilisation.
- The design meets and exceeds all required standards.
- Issues in relation to the appropriateness of the design within the streetscape are raised.
- The internal layout and amenities are set out as requested by the Planning Inspector under the previous case.

Response to Third Party Submissions

- No alternative is put forward.
- Perceived non-compliance with required standards are not matters of concerns to local residents.
- There is no non-compliance with standards.

Fingal County Council

3.2. The relevant aspects of the response on behalf of the Planning Authority above can be summarised as follows:

- The development would amount to overdevelopment on a severely restricted site.
- The P.A. concurs with the third party submissions in relation to the impacts of the fenestration proposed to the public areas which is only necessary due to the confined nature of the site.
- The functionality of the commercial units is questionable.
- Requests that ABP uphold the decision to refuse permission.
- Recommended conditions should permission be granted in relation to Section 48 development contributions, a bond/cash security, a tree bond and a contribution in respect of a shortfall of play provision facilities.

- 3.3. The relevant aspects of the response on behalf of the above parties and observers can be summarised as follows:

Response to Fingal County Council Submission

- The 10 reasons for refusal given by the P.A. remain valid.
- The design does not meet the Development Plan policies.
- Apartment standards found in continental Europe are not present.
- One fire exit stairs is not sufficient and should permission be granted all detailed design information must be provided for detailed assessment prior to commencement of works.

Response to Submission from Michael Collins

- They agree with the observations made in relation to the apartments.
- They concur with the views in relation to the serious negative impacts on the commercial sustainability of the retail units and associated issues.
- The design is not independent of the adjacent car park.
- Agreement in relation to comments on waste collection.

Response to Submission from Stephen Molloy Architects

- There is a need for privacy in the apartments and community living will give rise to significant irritation and disagreement.
- The images submitted bear no relationship to the much smaller shared corridor areas proposed.
- The design attempts to fit too much into the available space.
- Cross ventilation issues including in relation to odour.
- Central light well should be reviewed by the fire officer.
- Issues in relation to location of toilets for the commercial units.
- They would welcome an appropriately designed development for the site.

- 3.4. The relevant aspects of the response on behalf of the above parties and observers can be summarised as follows:

Response to Fingal County Council Submission

- The Council is best placed to make their observations given their deep insight into the locality and the pivotal position of the site in the village.
- Concurs with the observation that the design solution is unacceptable, that the refusal be upheld and that development contributions are required.

Response to Submission from Sarah Barrett and Jeremiah Griffin

- Agrees with the observations on how oppressive and unpleasant it would be for future residents.
- Agrees with the observations on the negative impacts concerning the working conditions offered to tenants of the commercial units.

Response to Submission from Stephen Molloy Architects

- No reference is made to which buildings he is referring to in relation to other high quality apartment buildings so this cannot be verified.
- Many buildings initially win plaudits but are subsequently found to be failures.
- The applicant concedes that the internal windows will result in a semi private space as part of the living accommodation of some units.
- The mini street justification is speculation with it equally likely that the residents will be stressed by being forced to interact with other residents.
- The internal ventilation response fails to address issues in relation to odours.
- Opaque windows are a poor design solution.
- Kitchens without external windows would be very oppressive spaces.
- The design of the commercial units lacks empathy and is indicative of a box ticking approach in relation to the building regulations.

- The location of the refuse areas represents sub-optimal design inconveniencing tenants.
- The photos of the bins in the adjacent development overflowing undermine the assertions and these facilities are sub-optimal.
- The comparison with Deanstown House is irrelevant as the tenancies are service based.
- The decision to refuse permission should be upheld.

4.0 Policy Context

4.1. Fingal Development Plan 2023-2029 (the CDP)

Section 14.6.1 Design and Layout

As examined under Chapter 3, Fingal County Council recognises the significant role which high quality residential development plays in the achievement of healthy, happy sustainable communities. This Plan places an emphasis on meeting and exceeding minimum standards ensuring that the design and layout of individual dwelling units provides high quality homes to accommodate Fingal's growing population. Applications for residential development are required to demonstrate compliance with room sizes, dimensions and overall floor areas set out in national guidance documents including:

- *Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007,*
- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and Urban Design Manual – A Best Practice Guide 2009,*
- *Sustainable Urban Housing: Design Standards for New Apartments 2020.*

To demonstrate compliance with the housing and apartment standards set out below, all planning applications shall be accompanied by a 'Schedule of Accommodation' in line with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments 2020.

Section 7.5.4 Retail

...Fingal County Council will support measures required to create town and village centres that have mixed uses at the heart of them, that can support high quality living environments alongside commercial/retail and other service requirements...

Objective EEO90 – New Retail Development

Ensure that applications for new retail development are consistent with the retail policies of the Development Plan, in particular with the Fingal Retail Hierarchy, and are assessed in accordance with the requirements of the Guidelines for Planning Authorities: Retail Planning, including, where appropriate, the application of the Sequential Approach, and requirements for retail impact assessments and transport impact assessments for retail developments which due to their scale and/ or location may impact on the vitality and viability of major town, town, local and village centres, while having regard to the impact such directions/ developments may have on the existing businesses operating within the area.

Neighbourhood Centres, Local Centres-Small Towns And Villages Level 4 of the Fingal Retail Hierarchy includes a number of important small towns, urban village centres, and local centres. These are dispersed throughout the County including urban centres such as Rush, Lusk, Donabate, Blanchardstown Village, Mulhuddart, Clonsilla, Castleknock, and Ongar in the west of the County, Balrothery to the north, and Howth, Portmarnock, Baldoyle and Sutton to the east. A complete list of Level 4 centres is included in the Fingal Retail Hierarchy in Table 7.2 above. Objective EEO96 – Level 4 Centres Ensure the development of Level 4 Centres as sustainable, vibrant and prosperous Small Towns, Village Centres and Local Centres performing at a level within the Fingal Retail Hierarchy to meet the retailing needs of immediate local populations and catchment populations.

5.0 Assessment

- 5.1. Having examined the application details and all other documentation on file, in particular the responses of the parties to the issues raised in the Board's Section 137 notice to the parties and subsequent Section 131 cross circulation of the responses and the responses thereto, including the reports of the planning authority, and having

previously inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues for this addendum report are as follows:

- Internal Residential Amenity.
- Quality and Operability of the Retail Units.
- Other Issues.

5.2. Internal Residential Amenity

- 5.2.1. The Board made reference to Section 14.6.1 (Design and Layout) of the CDP in relation to new residential development specifically as it relates to the design and layout of individual dwelling units providing for high quality homes and the residential amenity for future residents by reference to the fenestration onto the public lobby areas from the kitchen dining areas of Apartment no.s 3, 8 and 13 and on to the void space for apartment no.s 2, 7 and 12; and in terms of the preponderance of north facing windows in Apartment no.s 5, 10 and 15.

Apartment No.s 5, 10 and 15

- 5.2.2. The issue raised relates to the “*preponderance of north facing windows in Apartment Numbers 5, 10 and 15*”. I note the concerns raised by the third parties in relation to the effects of north facing windows from a residential amenity perspective. Having reviewed the submitted floor plans, I note that unit no.s 5, 10 and 15 cannot be considered single aspect units (similar to apartments 1, 6 and 11) as the unit would also be served by a window facing in another direction, in this case an east facing door/window serving the unit and the open plan dining area in addition to the north facing windows. Section 14.6.1 refers to the Apartment Guidelines where the relevant standard for dual aspect units in such a suburban location is at least 50% of units to be dual aspect. This is also reflected in Section 14.7.4 (Dual Aspect) of the CDP and is consistent with SPPR 4 of the guidelines which provides for same. I also note per the Apartment Guidelines that flexibility is allowed for urban infill sites of up to 0.25ha and the site area is 0.0814ha.

5.2.3. I note that the proposed dual aspect ratio of units, at 60%, would exceed the CDP standard and, noting that the north facing rooms in these units would be bedrooms and that there would be additional clerestory north facing windows in the living rooms, I am satisfied that, consistent with Section 14.6.1 of the CDP, the design and layout of the individual dwelling units would provide high quality homes to accommodate Fingal's growing population. I note no significant concerns in relation to the east facing window of these units facing the street. I also note the submitted 'Daylight & Sunlight Assessments of a Residential Development' report prepared by Digital Dimensions with no significant concerns noted in relation to internal daylight and sunlight standards.

Apartment No.s 3, 8 and 13

5.2.4. In relation to the fenestration onto the shared lobby areas from the kitchen dining areas, I note the third party observers have raised significant concerns in relation to poor residential amenity standards given the absence of privacy in this situation and also if there was opaque glass in relation to the negative perceptions that would arise from shadow movements being visible through these windows. Issues are also raised in relation to the ventilation proposals for these windows in the applicant's response, particularly in relation to odour. I consider these concerns to be significant and I am not persuaded by the applicant's response including in relation to uncited examples and images of purported instances where this design solution has been provided.

5.2.5. As I do not consider the design solutions put forward by the applicant to be acceptable in relation to standards of residential amenity and as the omission of the windows for the kitchens would result in a poor standard of residential amenity for the users of the room including by the absence of direct ventilation and views to the outside and absence of natural light, I recommend that the kitchen/dining rooms be omitted for these three apartment units and be incorporated into the lobby area and that bedroom 2 of these units be incorporated together with the living space into a combined living/kitchen area by condition. I also recommend that the front door of these units be moved south to align with the northern wall of the bathroom in order to

increase separation given that there apartment entrances would otherwise be located in close proximity and this would improve internal circulation in the common areas including by the incorporation of the kitchen units into the lobby.

- 5.2.6. This would result in these units becoming one-bedroom units with a combined aggregate living/kitchen/dining area in excess of 31.5sqm (requirement is 23 sqm per the Apartment Guidelines). The unit mix of the scheme would also be changed from 15 no. two bedroom apartments and one no. one bedroom unit to 12 no. two bedroom apartments and three no. one bedroom units. As an added measure related to ensuring a high standard of residential amenity is provided, noting the additional internal windows for the bathrooms on to the lobby areas for Units 4, 9 and 14; and units 5, 10 and 15; and units 1, 6 and 11, I recommend a condition requiring no internal bathroom windows for these units. This raises no concerns in relation to SPPR1 and SPPR2 of the Apartment Guidelines.

Apartment No.s 2, 7 and 12

- 5.2.7. In relation to the north facing window of the kitchens area for Apartment no.s 2, 7 and 12 facing on to the void or lobby area, I note the concerns of the third parties particularly in relation to privacy issues and ventilation into an internal space with the odour issues that may also arise. I do not find the applicant's response to this issue persuasive particularly in relation to the ground floor unit no. 2 which would directly front on to the lobby area and I consider the concerns of the third parties to be significant. Accordingly, having regard to Section 14.6.1 of the CDP which seeks the provision of high quality homes, should permission be granted I recommend that these windows be omitted and replaced by walls by condition. This would ensure appropriate levels of privacy for the future residents and a high standard of residential amenity. I note this is possible as the kitchen area is part of a larger south facing room such that natural light and ventilation to the outside via the south facing windows would be available and such an arrangement would reflect common internal apartment layouts.

Conclusion

- 5.2.8. In conclusion, in relation to the issues raised by the Board in relation to Section 14.6.1 (Design and Layout), I consider that there are design solutions available that, should permission be granted, can be provided for by condition to ensure that the individual dwelling units can be considered high quality homes in accordance with CDP policy. Given the remedies available to enhance residential amenity for future occupants of the units, I do not consider that a negative precedent would be set of such weight as to merit a refusal of permission. I have also had regard to the significant design layout improvements in this regard which I consider address the Board's previous reasons for refusal under reg. ref. FW22A/0039. I would further note that there are instances where the Apartment Guidelines specifically provide for design flexibility for some standards in relation to urban infill sites on sites of up to 0.25ha. recognising the importance of providing for compact and infill development on urban infill sites and, on balance, I consider that this would accord with sustainable development principles for such a town centre location.

5.3. Quality and Operability of the Retail Units

- 5.3.1. The Board sought responses in relation to the provisions of Section 7.5.4 (Retail) of the CDP in relation to retail objectives which aim to achieve sustainable, vibrant and prosperous village centres and the avoidance of vacancy and in relation to the operability of the retail space for future occupants given the lack of internal access to the staff welfare facilities and waste storage area. I note the third parties have raised a number of concerns in relation to the operation of the units and related staff facilities, waste disposal and difficulties in accessing the ground floor bathroom and waste containment area. I note that the current design includes provision for the bathroom and access to the bathroom and refuse areas from the footpath in contrast to the previous design and I consider this to be a significant improvement in this regard. I note the Board's request related to retail policy and not waste collection policy. I have previously noted the arrangements for waste collection through the car park to be acceptable subject to condition notwithstanding the raising of issues in relation to this matter by the third parties.

- 5.3.2. I note that Section 7.5.4 (Retail) of the CDP does not include policy on the operability of retail units or in relation to minimum floor areas or specific requirements for staff facilities. I note the applicant's architect has noted the retail units would comply with the Building Regulations and as part of his response has included an outline drawing demonstrating how the units could each be fitted out with a bathroom and back of house area. The third parties have suggested that the staff facilities would be inadequate and should be accessed internally. I do not consider this to be necessary given the short distance from the front of the building to the side entrance where the proposed facilities would be located and given that the applicant has demonstrated that the units can be fitted out between front and back of house areas.
- 5.3.3. In relation to the achievement of vibrant, prosperous and sustainable village centres, I note the scale of retail development to be modest such that no retail impact assessment is required and such that no impacts on vacancy, from excess provision in the town, are foreseen and I noted a vibrant town centre on my site visit. I consider that the addition of 5 retail units would add vibrancy and vitality to the village centre through additional active frontage and appropriate uses for an urban centre. I do not consider the relatively small size of the units to be an impediment in this regard, with smaller units such as for example a newsagents, sweet shop or flower shop often suitable to small floor plates and each additional unit capable of adding vibrancy to the street.
- 5.3.4. The Board also raised the issue of the waste storage area and the provision of shared waste bins for 6 commercial units. I note the third party concerns in relation to these issues. I have addressed the issue of the access for waste vehicles in Section 7.6.5 of my first report and do not consider that it relates to Section 7.5.4 of the CDP. Having regard to Section 7.5.4 and the general policy to create vibrant and prosperous town centres and for the support of high quality living environments adjacent to these, I consider the access to the waste storage area from the front and side of the building, via the footpath, to the internal side access to be a significant improvement in relation to the previous layout in the previous application under reg. ref. FW22A/0039 given the short route, albeit outdoor, from the front the retail units to the side building access and internal route to the bin storage area.

- 5.3.5. I note no significant issues in relation to the capacity of same and I note the applicant's response that the adjacent permitted building operates on the basis of a similar system and subject to the conditions previously recommended in the first report, I am satisfied that the waste disposal arrangements would be appropriate in such a town centre location and would not have a significant negative impact on the creation of high quality living environments and on the policy of seeking vibrant, prosperous and sustainable town centres. I further note that waste matters are not direct considerations in relation to the Vitality and Viability Health Check Indicators under Section A 2.3 of the Retail Planning Guidelines.
- 5.3.6. If the Board disagree on this matter in relation to the operability of the retail units and associated arrangements and impacts, an option would be to condition the amalgamation of units to create larger units and/or to condition-in bathroom/staff facilities within each unit although I do not see a strong CDP policy basis for such a requirement under Section 7.5.4 or otherwise. Another option would be to omit retail unit 6 and require a revised design such that rear access is available for each remaining retail unit by relocating some of the bike storage spaces into the current space for retail unit 6. I do not recommend these options as I consider the proposed ground floor layout to be acceptable for the reasons outlined above. I also do not consider that this issue is of such weight as to merit refusal and if the Board do not consider the proposed layout adequate it may wish to consider the alternative conditions suggested above as an alternative to refusing permission.

5.4. Other Issues

- 5.4.1. Notwithstanding the re-raising of issues previously raised by third parties and the applicant, for example the issues of fire safety and building height, in their responses to the Board's requests, I have limited this addendum report to the issues specifically raised by the Board as they relate to the specific policies listed by the Board in their Section 137 notice to the parties. I note that the third parties and first party in their responses as well as addressing these issues also raised other issues which were previously assessed in my previous report and I note that no significant new issues

were raised requiring new assessment in this regard other than those issues directly related to the Section 137 notice which are assessed above.

- 5.4.2. In relation to the provision of adequate staff facilities for the retail units, I would further note that such facilities are generally regulated under other codes such as in relation to health and safety and I do not consider that the Board is required to examine this matter other than as it directly relates to retail policy considerations as assessed above.

6.0 Recommendation

- 6.1. Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

7.0 Reasons and Considerations

- 7.1. Having regard to the zoning objective of the subject site, the provisions of the Fingal Development Plan 2023 – 2029, the location within an existing town centre area, to the nature and scale of the proposed development and its relationship with adjacent development, and the town centre and the facilities within the building and in terms of its impacts on residential amenities, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety, convenience and sustainable transportation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such

conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit revised plans and drawings showing compliance with the following requirements:
 - (a) For Apartment numbers 3, 8 and 13, as shown on the Ground, First and Second Floor Plans (Drawing no. 03 (of 4)) submitted to the Planning Authority on the 21st day of May 2024, the rooms annotated as 'kitchen/dining' rooms shall be omitted from these units and the floor area from same shall be incorporated on each floor into the area annotated as 'open access lobby'. 'Bedroom 2' in these units shall be omitted and the area for same shall be incorporated together with the 'living' area to create a combined kitchen/dining/living area. The front door/wall of these units shall be relocated to the south to align with the northern wall of the internal bathroom of these units.
 - (b) The internal bathroom windows as shown on the Ground, First and Second Floor Plans (Drawing no. 03 (of 4)) submitted to the Planning Authority on the 21st day of May 2024 for Apartment numbers 4, 9 and 14; and units 5, 10 and 15; and units 1, 6 and 11, shall be omitted.
 - (c) The north facing internal windows serving the kitchens of Apartment numbers 2, 7 and 12 as shown on the Ground, First and Second Floor Plans (Drawing no. 03 (of 4)) submitted to the Planning Authority on the 21st day of May 2024 shall be omitted. These windows shall be replaced by internal walls.

Reason: In the interest of residential amenity of future occupants of the apartments.

3. The site layout within the adjacent car park to the north and east shown within the blue line car park area controlled by the applicant shall be laid out and permanently maintained free of obstructions as shown on the 'Proposed Site Layout Plan' drawing shown on Drawing no. 01(of4) and 'Ground Floor Plan' Drawing no. 2 (of 4) submitted to the Planning Authority on the 21st day of May 2024. The car park site shall be operated consistent with this layout to ensure permanent vehicular (including for waste collection trucks), bicycle and pedestrian access is maintained without let or hindrance at all times to the rear (north) and side (east) access points of the building. The layout shall only be altered to ensure provision for waste collection services through the adjacent car park site and details of this provision, including swept path analysis, shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development, and the development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory provision and layout for commercial vehicles, in the interest of traffic safety and residential amenity and to ensure satisfactory access for residential and commercial users within the development.

4. A two metre high clear screen shall be permanently fixed around the edges of the roof garden. A minimum of 105square metres of the roof garden area shall be reserved exclusively for use as communal open space and solar panels or other objects shall be located elsewhere on the roof area.

Reason: In the interests of the amenities and safety of future residents.

5. Details of the opening hours for the retail units shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the building.

Reason: In the interest of clarity and residential amenity.

6. Use of the retail units for use as a hot food take-away or betting office shall not take place without a prior grant of planning permission.

Reason: In the interests of clarity and of the amenities of the area.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

8. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include provision for lighting of the car park to the rear of the building. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

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

Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity

11. Site development and building works shall be carried out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

12. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

13. A detailed construction traffic management plan shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

14. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and

Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

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

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

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

16. The developer shall pay to the planning authority a financial contribution as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in

accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. 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 subject to any indexation provisions of the Scheme at the time of payment.

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

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

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.

Ciarán Daly

Planning Inspector

30th May 2025