



An
Bord
Pleanála

Board Direction
PL06F.248515

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 13th 2017.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision the Board had regard to the 'RV' zoning of the site and to the provisions of the Fingal Development Plan 2017 – 2023, to the pattern of existing development in the area, the nature, scale and design of the proposed development, the Urban Design Manual - A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009 and the Design Manual for Urban Roads and Streets (DMURS), issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013

Appropriate Assessment Screening Stage 1.

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted his conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, and in the light of the mitigation measures set out in the applicant's Screening Report, which would constitute normal construction practice, that the construction of

the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects would not be likely to have a significant effect on Malahide Estuary SAC (000205) & SPA (004025); Ireland's Eye SAC (002193); Ireland's Eye SPA (004117); North Dublin Bay SAC (000206); North Bull Island SPA (04006); Rockabill to Dalkey Islands SAC (003000); South Dublin Bay and River Tolka Estuary SPA (04024); South Dublin Bay SAC (000210); Rogerstown Estuary SAC (000208) & SPA (004015); Howth Head SAC (000202) & Howth Head Coast SPA (004113); and Lambay Island SAC (000204) & SPA (004069) in light of the site's Conservation Objectives and that a Stage 2 Appropriate Assessment is not therefore required.

it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and public health and would not conflict with the objectives of the Fingal Development Plan 2017-2023. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board, the Board was satisfied that subject to compliance with the conditions set out below the proposed development represented a natural extension to the village core and was acceptable in principle and furthermore would not be prejudicial to public health having regard to the phased approach to housing delivery linked to the provision of sufficient capacity in the local wastewater infrastructure.

Conditions

- 1 Plans and particulars.
- 2 This permission hereby permits 100 residential units and a crèche.

Reason : In the interest of clarity.

3 A footpath and cycle path spur shall be created linking the north-eastern most site roadside edge (adjacent the pumping station) to the proposed peripheral cycleway/footpath.

Reason: In the interest of pedestrian and cyclist safety and amenity and in the interest of permeability and connectivity.

4 No dwelling shall be occupied on foot of this permission until such time as the signalisation of the junction of the Malahide Road (R107) and Chapel Lane is completed and operational to the satisfaction of the Planning Authority.

Reason: To ensure that there is an adequate level of road infrastructure to support the proposed development.

5. The development shall be carried out on a phased basis based on the availability of public water / waste water services.

(a) The first phase shall consist of not more than 50 dwelling units including the crèche, Kinsaley House and the stone barn, together with their associated site development works. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

(b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings and to ensure the timely conversion of Kinsaley House and Barn, a Protected Structure.

6 As per PA condition no 9.

7 As per PA condition no 12 (amended to RIAI Grade II or III)

8. (a) Not more than 75 residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.
- (b) Prior to the commencement of development the developer shall submit, for the written agreement of the Planning Authority details of the set-down area for the proposed childcare facility.

Reason: To ensure that childcare facilities are provided in association with residential units and in the interest of residential amenity and traffic safety.

9. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.

Reason: In the interest of wildlife protection.

10 As per PA condition 14

11 As per PA condition 15

12 As per PA condition 16

13 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(b) Should archaeological material be found during the course of monitoring, the Archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Heritage and Planning Division of the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigation action (e.g. preservation in situ, or excavation) and should facilitate the recording of any material found.

(c) The Planning Authority and the Heritage and Planning Division of the Department of Arts, Heritage and the Gaeltacht shall be furnished with a report, within 4 weeks of the completion of ground works, describing the results of the monitoring.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. The proposed dwellings shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within the Outer Airport Noise Zone, and in accordance with the measures set out in the Noise Impact Assessment submitted with the application.

Reason: In the interest of residential amenity.

15. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the submitted landscaping details and the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

16. Proposals for a 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 street signs and house numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until

the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

17. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

18. Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

19. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

20. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

21. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of

broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

22. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

23. The construction of the development shall be managed in accordance with a Construction 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 of the area.

25. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

26. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of costs to be incurred by the planning authority in connection with the signalisation and upgrade of the junction of the Malahide Road (R017) and Chapel Road. 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 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 Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

27. 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.

Board Member

Date: 13.10.17

Paul Hyde