



An
Bord
Pleanála

**Board Direction
PL06F. 248970**

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 17th 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the residential zoning of the area and the pattern of development in the vicinity of the site, and after completing an environmental impact assessment of the project, it is considered that the proposed development would be in accordance with the provisions of the Fingal Development Plan 2017-2023 and the Baldoyle Stapolin Local Area Plan 2013, including those relating to the provision of schools and other services, and that, subject to compliance with the conditions set out below, the proposed development would achieve an acceptable standard of urban design and provide a proper level of amenity for its residents without injuring the amenities of property in its vicinity. The proposed development would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would not be likely to have a significant effect on any Natura 2000 site, either individually or in combination with any other plan or project. The proposed development would therefore be in keeping with the proper planning and sustainable development of the area.

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 to the planning authority on the 27th day of March 2017 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 The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: The Board considers it appropriate to specify a period of validity of this permission in excess of five years, having regard to the scale of the development and to the location of the site

3. The proposed development shall be amended as follows:

(a) No footpath shall be less than 2.5m wide

(b) No carriageway shall be more than 5.5m wide, except that on Longfield Avenue which shall be no more than 7m wide and that along Red Arches Road which shall be no more than 6m wide. Where space to manoeuvre is required for vehicles using perpendicular parking spaces, this shall be provided in the manner set out in section 4.4.9 and figures 4.76 and 4.82 of DMURS without breaching these restrictions on the width of carriageways.

(c) the proposed works to the junction of Grange Road and Longfield Road are omitted from the authorised development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to comply with the guidance given in the Design Manual for Urban Roads and Streets (DMURS) issued by the minister in 2013 and to provide an integrated street network that is safe and convenient for all road users and that achieves an acceptable standard of urban design

4. Prior to the commencement of development, the developer shall submit the following for the written agreement of the planning authority:

- The construction, detailed design and phasing programme for the interface of Block A with Stapolin Square and the interface of square with the banked area to the north
- Details of a banked area to be provided to the south of Stapolin Square in the event that the square opens prior to the construction of the buildings in Block A
- Details of the design of Stapolin Square includes materials, levels, interface with adjoining blocks, road infrastructure, street furniture, landscaping, and universal access measures, and a ramp along the side of the steps to allow bicycles to be wheeled
- The provision of a temporary crèche within the proposed housing units in Blocks B3, B4, C4 or C5 including details of the number of children, the size and layout of the crèche, the hours of operation and a safe outdoor play area
- A revised taking-in-charge plan that will indicate all area to be taken in charge including public open spaces such as that at the Haggard
- Proposals for traffic calming, and the detailed designs of the junction of Stapolin Avenue and the road serving the proposed houses at Block D1 and the bus ramp in the north-western corner of the site including surfacing and measures for pedestrian priority

Reason: To ensure an adequate standard of development in keeping with the provisions of the local area plan.

5 Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a plan for the management of parking which shall provide for:

- 1 resident car parking space for each apartment in Block A and, in the remainder of the development, 1 car parking space for each one- or two-bedroom units and 2 car parking spaces for each unit with three or more bedrooms
- 92 visitor car parking spaces including at least 11 in the undercroft car park in Block A, 5 in the basement below Blocks B1 and B2, 60 spaces in Zone B and 26 spaces in Zone C
- Measures to secure the resident bicycle parking in the car parks in Block A and Blocks B1 and B2, along with details of bicycle parking for visitors to the apartments in those blocks and the local centre at Stapolin Square.

No parking space shall be used for any purpose not directly related to the development and no space shall be sold, leased, licenced or sub-let in connection with any other use or purpose.

Reason: To better meet the demand for parking within the development.

6 Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- Materials, colours and textures of all the external finishes to the proposed buildings
- Boundary treatments which shall generally conform to drawings nos. 121 and 117 prepared by Mitchell and Associates that were submitted by the applicant
- Surface treatments throughout the development. The shared surface in the open space to the north of Block C3 shall be adequate to inhibit vehicular movements in favour of pedestrians
- The fence and gates providing resident only access to the proposed pedestrian steps on the southern side of Block A1, which shall be visually permeable and no more than 2m high.

- A 2m high railing with gates around Blocks B1 and B2, with landscaping in front, as required to provide resident only access to the semi-private open space within the block
- The gate and entrance design to control access to the undercroft and basement car parking in Blocks A and B1 and B2 respectively
- A landscaped privacy strip in front of the terrace of apartment no.18 in Block B1.

Reason: In the interests of residential and visual amenity.

7 The following shall be provided in the authorised development:

- A gate, fence or similar no more than 2m high along the lane/fire access on the western side of the site from the south-western corner of Block A1 to the western side of the site which shall be adequate to prevent public access
- A brick or rendered wall 1.8m high or opaque glazing to the sides of balconies and terraces to provide screening and separation between the private open spaces
- A movement strip for bicycles adjacent to the steps in Stapolin Square
- A low railing or similar, no more than 1m high with hedge plating behind, along the southern side boundary of Block C1 that abuts the Myrtle Development from the rear building line of Block C1 to the proposed street at road number 03, and the relocate of the bin store behind the building line of Block C1 and a 2m high wall from the rear building line of Block C1 to the western boundary of the site.

Reason: In the interests of residential amenity

8 The landscaping of the development, including the protection and removal of existing trees, shall comply with the detailed requirements of the planning authority.

In particular -

- A suitably qualified arborist or landscape professional shall supervise works in the Haggard and implement the tree protection measures specified in the application

- A revised landscape plan shall be agreed with the planning authority under which the size of the under-12s playground in the Haggard shall be increased and the multi-use games area shall be relocated to beside the playground. A skatepark shall also be incorporated in to the play provision in the Haggard.
- The southern and eastern boundary of the Haggard and those of the playground shall comprise 1.3m high, 200mm diameter solid bar railings that are hot-dipped, galvanised and powder coated with anti-vandal fixings

The proposed ballylusk path on the western boundary of the Haggard shall be finished with a tarmacadam surface.

Reason: In the interests of residential and visual amenity

9 The use of the commercial units in Block A, other than the proposed supermarket, café and crèche, shall be within Class 1, 2 or 10 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended except that use as a gym, take-away food outlet or betting shop is not authorised. Prior to the occupation of any of the authorised commercial units, the development shall submit detailed designs for the shopfront. Any security shutters shall be located inside the shop windows and no adhesive material or signage shall be affixed to the glazing on the shopfronts. The hours of operation of the commercial units shall not extend outside 0700 to 2400 and deliveries are not permitted between 2100 and 0700.

Reason: In the interests of visual and residential amenity.

10 Proposals for street names, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11 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.

12 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

13 Communal waste storage areas in the development shall be designed and managed as set out in Section 5 of the Operational Waste Management Plan submitted to the planning authority as further information on 27th March 2017. Prior to the occupation of any of the commercial units, the details of a food and bio-waste management plan shall be submitted for the written agreement of the planning authority. Grease traps shall be installed and managed in any commercial food preparation area or kitchen. Screened bin stores, which shall accommodate no less than three standard-sized wheeled bins, shall be within the curtilage of each house

Reason: In the interests of public health

14 All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interests of residential amenity

15 Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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.

16 No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall take place above roof level other than within the roof enclosures shown on the submitted drawings, whether or not it would otherwise constitute exempted development.

Reason: In the interests of visual amenity

17 The development shall be carried out on a phased basis in accordance with the proposals submitted with the application. 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. 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.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings

18 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:
(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities;

site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works and the maintenance of access to Clongriffin Railway Station at all times

(d) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety

19 Site development and building works shall be carried out only between the hours of 0700 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.

20 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

21 Prior to the commencement of development, the developer shall contact Iarnród Éireann to ensure an agreed safe system of work is implemented in the vicinity of overhead lines and equipment. Any works associated with the proposed development including boundary treatments and landscaping shall ensure that the integrity of the embankment adjacent to the railway line is maintained

Reason: To protect the railway and public safety

22 The development shall be carried out under the supervision of a suitably qualified ecologist appointed by the developer and in accordance with an Invasive Species Management Plan agreed with the planning authority.

Reason: To protect the natural heritage of the area

23 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) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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.

24 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

25 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

26 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: 17.11.17

Paul Hyde