



An  
Bord  
Pleanála

**Board Direction**  
**BD-007682-21**  
**ABP-309126-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2021.

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**

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In coming to its decision, the Board had regard to the following:

- (a) the site's location within an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives of the Fingal County Development Plan 2017-2023;
- (c) The nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure, including the rail service from Coolmine Station;
- (d) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) Urban 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020).
- (g) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018, as amended;

- (h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) the nature, scale and design of the proposed development;
- (j) the pattern of existing and permitted development in the area;
- (k) the submissions and observations received,
- (l) the Chief Executive's Report, and
- (m) the report of the inspector

The Board 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 and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended), the Board 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. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

## **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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

**Reason:** In the interests of clarity and in the interests of proper planning and sustainable development.

3. This permission relates to 'Option A' only (relating to the future provision of cycle infrastructure along Carpenterstown Road) as detailed in the plans and particulars lodged with the application.

**Reason:** In the interest of clarity and in the interest of visual amenity.

4. The developer shall comply with all requirements of the planning authority in relation to the protection of trees. In particular:
  - (a) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted tree report.
  - (b) A suitably qualified arborist shall be engaged for the duration of the development to monitor site development works and to liaise with the Parks & Green Infrastructure Division of the planning authority.
  - (c) Prior to the commencement of development, a site meeting shall be arranged between the planning authority and the appointed arborist to agree tree protection measures.

- (d) All works on trees shall follow proper arboricultural techniques conforming to BS3998: 2010 Tree Works – Recommendations.
- (e) A tree bond of €50,000 shall be lodged with the planning authority prior to the commencement of development in order to ensure that trees are protected and maintained in good condition throughout the course of development. This bond will be held by the planning authority for a period of three years post construction which may be extended in the event of possible construction related defects.
- (f) Prior to a request for release of the tree bond, the site arborist shall provide a report on these trees, which shall be submitted to the planning authority, detailing site inspection visits and photographic evidence that tree protection measures as outlined in Section 9.2 of the Tree Report dated September 2019 have been fully adhered to.
- (g) The existing site boundary to the Carpenterstown Road shall be retained and protected in the course of the construction works with a reservation for future footpath/cycle way to be provided inside the boundary in accordance with Option A on Drawing Option A – Indicative future cycle track road cross section code G451 OCSC number 0107A1 revision C01.

**Reason:** In the interests of proper planning and the protection and provision of amenities of the area.

5. The developer shall comply with the following:
- (a) No development shall take place within the space between the existing road side kerb edge on Carpenterstown Road to the back of the proposed cycle path on the preferred Option A proposal that would prejudice the provision of any future pedestrian and cycle network.
  - (b) A maximum of 192 spaces shall be reserved for the exclusive use of the residential units and the remainder of the parking provision shall be reserved for the use of crèche and visitor parking requirements.
  - (c) The roads, cycleways and footpaths shall be constructed in accordance with the planning authority's standards for taking in charge.
  - (d) A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicles charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority before making available by the developer for occupation of the residential units in the proposed development.
  - (e) All of the car parking spaces, with the exception of visitor/creche parking, shall be let/sold with the residential units and shall not be sold or let separately or independently;

- (f) Details regarding on site provision for future pedestrian access and/or maintenance of any right of way to adjoining sites to the east or west, shall be submitted to the planning authority for their written agreement,
- (g) All works shall be carried out at the expense of the developer in accordance with the specifications and conditions of the planning authority.

**Reason:** In the interests of clarity, road safety and the proper planning and sustainable development of the area and the promotion of sustainable transport.

6. Prior to commencement of development the developer shall submit, for the written agreement of the planning authority, a schedule of Ecological Mitigation Measures, as detailed in Section 7 of the Ecological Impact Assessment (dated November 2019) submitted with the application. The schedule shall set out the timeline for implementation of each measure and assign responsibility for implementation. The removal of trees, shrubs and hedgerows shall be completed outside the main bird nesting season i.e. 1st March to 31st August. All of the mitigation measures shall be implemented in full and within the timescales stated.

**Reason:** In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

7. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority prior to first occupation of the units.:
- (a) Public lighting throughout the development (having regard to the views of the planning authority's biodiversity officer); and
  - (c) The operating hours of the proposed crèche and residents' gym,

**Reason:** In the interests of visual and residential amenity, and to minimise potential light disturbance for foraging bats.

8. A glazed screen shall be provided to the south of the balcony to apartment 4.3E on the 4<sup>th</sup> floor. Access to roof garden areas for Blocks C, D and E shall be for maintenance only.

**Reason:** In the interests of residential amenity.

9. Details and samples of the materials, colours and textures of all the external finishes and boundaries to the proposed development including external facades, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

10. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. Planting along the site's boundaries may be required at an earlier stage, where associated with EclA mitigation measures. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from 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.

**Reason:** In the interests of residential and visual amenity.

11. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. Proposals for the development name, 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 apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 and to ensure the use of locally appropriate place names for new residential areas.

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

15. 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 interest of residential amenity.

16. 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 and water quality.

17. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

18. All mitigation measures as set out in Flood Risk Assessment submitted with this application shall be implemented in full.

**Reason:** To minimise flood risk and in the interest of proper planning and sustainable development of the area.

19. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.  
(a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

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

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. 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. The plan should include details of a programme of works that amongst other items provides for interception containment and treatment of construction runoff. No construction runoff should be diverted to the proposed SuDS measures such as the bioretention areas, permeable paving, green podiums or attenuation systems. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements.

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.

22. Site development and building works shall be carried out only 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 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. 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 interests of public safety and residential amenity.

25. Prior to the making available by the developer for occupation of the residential units of the proposed development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

26. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area.

27. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site, co-ordinate all the mitigation proposals contained in the archaeological assessment and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

28. 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.

29. 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.

30. 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 the provision of public open space in the area. 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.

31. 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:** 11/03/2021

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Terry Prendergast