

An
Bord
Pleanála

Board Order
ABP-316065-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: LRD0005/S3

Appeal by Praxis Care care of Pragma Planning of Scottish Provident Building, 7 Donegall Square West, Belfast, County Antrim and by others against the decision made on the 17th day of February, 2023 by Fingal County Council to grant subject to conditions a permission to Glenmount Properties Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing temporary wastewater pumping station (circa 221 square metres) on the eastern part of the site.

Construction of 159 number residential units, including 114 houses (23 number two-bed, 71 number three-bed and 20 number four-bed, two-storey dwellings) and 45 apartments across two number blocks (three number one-bed and 42 number two-bed, three and four-storey blocks) all with external balcony or terrace and one and two-storey crèche (circa 415 square metres).

305 number car parking spaces, 241 number serving houses and 60 number serving apartments (60 with EV charging points and all remaining EV enabled) including four number creche parking spaces and 185 number bicycle parking spaces (161 number residential, 24 number creche).

Circa 3.5 hectares of Class 1 and Class 2 landscaped public open space and communal open space.

New vehicular access from Brookfield Park to the south and from the existing Golden Ridge Way and Goldenridge Drive residential development to the east and north and associated works.

Pedestrian and cycle connections to adjacent lands at Skerries Road, Farrens Lane and Kenure Park are included (with opening through stone wall at northwest corner of the site to facilitate access).

All associated infrastructure, two number ESB substations, access, parking, open space, landscaping, bin and bicycle stores, PV panels at roof level of apartments and crèche, associated works to facilitate the development, all at Lands West of Golden Ridge and East of Kenure Park, Skerries Road, Rush, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to:

- (a) the location of the site on lands with a zoning objective for residential development and open space, and objective provisions in the Fingal County Development Plan 2023-2029 in respect of residential development,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Fingal County Development Plan 2023-2029 and appendices contained therein,
- (c) the Guidelines for Planning Authorities on Sustainable Residential Development 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,

- (d) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020,
- (e) Housing for All issued by the Department of Housing, Local Government and Heritage in September 2021,
- (f) the pattern of existing and permitted development in the area,
- (g) the submissions and observations received in relation to the planning application and the appeal, and
- (h) the report and recommendation of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, and would be acceptable in terms of pedestrian and traffic safety. 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 suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the planning application, the Inspector's Report, and submissions on file.

In completing the Appropriate Assessment screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other developments 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.

Environmental Impact Assessment (EIA)

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted with the planning application, which contains the information set out in Schedule 7A to the Planning and Development Regulations, 2001, as amended, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board concluded that the preparation of an Environmental Impact Assessment Report is not required.

Conditions

1. The proposed 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, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.



2. The proposed development shall be amended as follows:
- (a) The balcony at first-floor level of the proposed crèche building shall be omitted.
 - (b) The balcony structures located on the southern elevation of Block B at first and second floor level shall be fitted with 1.8 metre high obscure glass screens.
 - (c) The roadside boundary along the eastern side of Farren's Lane shall be set back and the cycle parking structure at this location shall be set back or relocated on site to provide sufficient space to allow for future upgrades of Farren's Lane.

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 the interest of orderly development and residential amenity.

3. The proposed development shall be carried out in accordance with the phasing programme specified, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of orderly development.

4. The area identified for potential future school use, shall be seeded and grassed.

Reason: In the interest of orderly development.

5. Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

6. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

Reason: In the interest of amenity and public safety.

8. 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.

Reason: In the interest of visual and residential amenity.

9. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, and access road to service areas, shall be in accordance with the detailed construction standards of the planning authority for such works and with the relevant provisions of DMURS. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

11. A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the planning application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/points.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

12. The level of communal bicycle parking spaces specified (185 spaces) shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13. 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 and surface water management.

14. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water) prior to commencement of development.

Reason: In the interest of public health.

15. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping which accompanied the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

16. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the planning authority, shall be maintained by a legally constituted management company.

- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority prior to any of the residential units being made available for occupation.

Reason: To provide for the satisfactory future maintenance of the development in the interest of residential amenity.

17. (a) 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 and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) The plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted to the planning authority for written agreement.
- Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.
- Reason:** In the interest of sustainable waste management.

19. The construction of the proposed development shall be managed in accordance with a Construction Environmental 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 proposed development with measures to reflect mitigation described in the submitted draft Construction Environmental Management Plan, Ecological Impact Assessment and Tree Survey, in addition to the following:
- (a) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
 - (b) The location of access points to the site for any construction related activity.
 - (c) The location of areas for construction site offices and staff facilities.
 - (d) Details of site security fencing and hoardings.
 - (e) Details of on-site car parking facilities for site workers during the course of construction.
 - (f) Details of 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.
 - (g) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same.
 - (i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - (k) 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.



- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) 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.

20. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

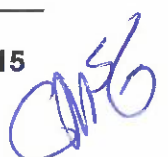
21. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) Engage the services of a suitably qualified archaeologist to co-ordinate the mitigation proposals contained in the Archaeological Assessment report for archaeological test excavation in advance of construction works and provide a conservation plan for preservation in-situ of the well (SMR No. DU008-014_). No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
 - (b) The archaeologist shall be required to notify the Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

- (c) The archaeologist shall carry out any relevant documentary research and shall excavate test trenches at locations chosen by the archaeologist, having consulted the planning authority and the Department.
- (d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department for consideration.
- (e) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (excavation), and/or monitoring shall be required. The Department shall advise the developer with regard to these matters.
- (f) No site preparation or construction works shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

22. 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.

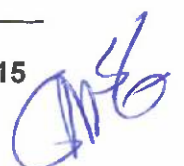


23. Prior to the commencement of any house or apartment unit in the development, as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or apartment unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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.



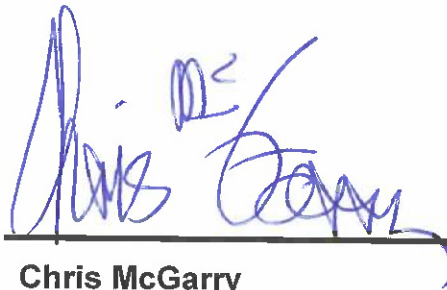
25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



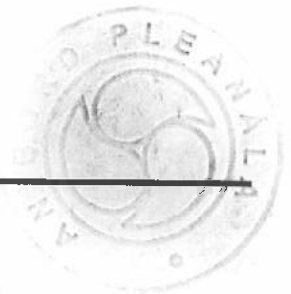
26. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the provision of a two-metre-wide and circa 40-metre-length of footpath along the western side of the service road in Brookfield Park where the southern portion of the proposed development joins into the existing service road network. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index-Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the development 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.



Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board**



Dated this 30th day of July 2023.