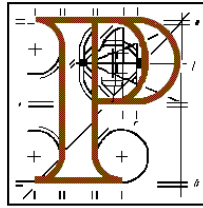


An Bord Pleanála



Inspector's Report

PL06F.246519

DEVELOPMENT:-

Construction of 21 residential units, new access road and extension of footpath from Lanesborough Gardens to site together with ancillary works at The former Castle Inn Public House, St. Margaret's Road, Meakstown, Dublin 11.

PLANNING APPLICATION

Planning Authority: Fingal County Council
Planning Authority Reg. No: F15A/0552
Applicant: Greenwich Project Holdings Limited
Application Type: Permission
Planning Authority Decision: Refuse

APPEAL

Appellant: Greenwich Project Holdings Limited
Types of Appeal: 1st Party -v- Refusal
Observers: Lanesborough Gardens Residents
Date of Site Inspection: 8th August, 2016.

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL06F.246519 relates to a first party appeal against the decision of Fingal County Council to issue notification to refuse planning permission for the construction of 21 residential units and associated works at a site at St. Margaret's Road, Meakstown, Dublin 11. Fingal County Council issued notification to refuse planning permission for two reasons; the first related to substandard design, particularly with regard to car parking, vehicular access and vehicular pedestrian conflict within the proposed scheme. The second reason for refusal argued that the design and linear layout of the residential blocks proposed which incorporate gable frontage onto St. Margaret's Road would fail to contribute in a meaningful way to the fabric of the area and enhancement of the streetscape. Fingal County Council's decision was dated 5th April, 2015.

2.0 SITE LOCATION AND DESCRIPTION

The subject site is located in Meakstown, Dublin 11 to the east of the N2 and to the north of Finglas and the immediate south of the M50 Motorway. The site adjoins the southern side of the R104 (St. Margaret's Road) which runs roughly parallel with the M50 and links the northern environs of Finglas with Ballymun further east.

The site is roughly rectangular in shape and has a stated area of 0.46 hectares. A linear strip of greenspace separates the northern boundary of the site from St. Margaret's Road. Lands to the immediate west of the subject site are fenced off, undeveloped and currently overgrown. Lands to the east, south and south-west accommodate suburban residential development. This residential development comprises of a mixture of blocks of terraced two-storey dwellings with private gardens and off-street parking. Also in the vicinity of the site there are a number of residential blocks comprising of apartments/duplex type dwellings with group parking to the front of the buildings.

The site itself accommodates the former Castle Inn Public House. This public house appears to have been closed for a number of years, and as the photographs attached indicate, the building is currently derelict and the lands surrounding the building have become unkempt and overgrown.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for the demolition of the former public house and the construction of 21 residential units in three separate blocks on site.

Block 1 is located in the north-eastern corner of the site and comprises of seven terraced two-storey, 3-bedroom dwellings facing westwards onto a communal parking area.

Block 2 is located on the western side of the site and comprises of a similar type terraced block of two storey residential units facing eastwards towards Block 1. Block 2 comprises of six two-storey three-bed family dwellings.

Block 3 is located to the south of Block 2 in the south-western corner of the site and comprises of a three-storey building with four ground floor units comprising of one-bedroomed apartments with study and with a separate ground floor entrance. Above the ground floor apartments it is proposed to construct four additional two-storey duplex type units comprising of living accommodation at first floor level and two bedroom plus study room at second floor level.

The external elevations comprise of a selected brick finish predominantly at ground floor level with a coloured render at first, and in the case of Block C second floor level. Solar panels are proposed on the rear pitch of the blocks. The blocks range in height from 9.6 metres in the case of Block A and Block B to 13.3 metres in the case of Block C. The area between the blocks primarily accommodates communal car parking with some small incidental areas of open space. A communal bin storage area and cycle parking is located to the front of Block C and adjacent to the largest area of communal open space which is located in the southern portion of the site. This open space area has dimensions of c.27 metres by 15 metres.

A sole access is to be provided to the site by the extension of the existing cu-de-sac which currently serves Lanesborough Gardens along the eastern boundary of the site. There is no proposed access onto St. Margaret's Road. Traffic accessing and egressing the site is required to travel southwards along Lanesborough Gardens and turn westwards along Lanesborough before accessing a roundabout on St. Margaret's Road approximately 120 metres to the west of the site.

4.0 PLANNING AUTHORITY'S DECISION

4.1 Initial Assessment by Fingal Co. Council

The planning application was lodged on 25th November, 2015.

A report from the **Housing Department** states that the proposal as set out in Section 16 on the planning application form for the purposes of satisfying Part V is acceptable to the Housing Authority.

A number of **objections** have been submitted primarily from residents of the adjoining Lanesborough Gardens. The main concerns raised in the objections relate to the increased traffic which would arise from the proposed development which would be required to travel along Lanesborough Gardens.

A report from the **Water Services Section** requested revised surface water drainage proposals following the principles of sustainable urban drainage systems.

A report from **Irish Water** states that there is no objection subject to conditions.

A report from the **Dublin Airport Authority** requested that in the event of a grant of planning permission that the existing and predicted noise environment of the site be fully assessed as the proposed development is located within the outer Airport Noise Zone.

A report from the **Transport Planning Section**, additional information in respect of a revised access treatment including traffic calming measures, a revised parking layout detailing in-curtilage parking for the houses and communal parking for the apartments and a revised plan reducing the extent of the shared surface proposed.

4.2 Additional Information Request

The initial planner's report requested additional information in relation to the following:

- Revised surface water arrangements.
- A revised landscaping plan.
- Revised car parking arrangements adequately addressing potential vehicular/pedestrian conflicts.

- Alterations to the external elevations buildings. It is also requested that revisions be made to the northern gable elevations to Units 7 and 8 to provide for a more active elevation onto St. Margaret's Road.
- The submission of revised floor plans demonstrating the provision of additional standalone storage.
- The application is requested to submit a full survey of the existing and predicted noise environment of the site and to submit details of the proposed noise mitigation measures.
- Revised boundary treatment along St. Margaret's Road.
- Further details in relation to public lighting.
- Finally the applicant is requested to submit revised proposals exploring the potential of providing vehicular access to the site off St. Margaret's Road rather than Lanesborough Gardens.

4.3 Additional Information Submission

Additional information was submitted on 9th March, 2016. The contents are briefly summarised below.

In respect of **surface water arrangements**, consultations were held with Fingal County Council and a soil infiltration test was carried out on site. The site exhibited a poor soakage characteristics. On foot of this the applicant is proposing an alternative surface water drainage in the form of an off-line detention basin. In addition to the basin there are other forms of SUDS incorporated into the scheme including permeable paving to the parking areas and soakaways and infiltration trenches to the rear gardens. Details of the proposed foul and stormwater layout are indicated on Drawing 15-076-3000-A.

Further details in relation to **open space** and the location of bins are detailed in the response. The bin storage is being relocated away from the central area of open space.

In relation to **traffic issues** it is stated that traffic calming measures have been added to the site to help slow traffic. The layout has been revised to ensure that there are no pedestrians/vehicular conflicts. The applicants have also provided two areas where in-curtilage car parking is possible. Details of the parking allocation for the houses and apartments are set out. The extent of shared surface is also being reduced.

The **external elevations** including the greater use of brick and the front and side elevations have been included to better reflect the existing external elevations on Lanesborough Gardens. The end units to St. Margaret's Road have been revised to provide a more active elevation. The principle windows passively overlook St. Margaret's Road. Further details of storage provided within the units are set out.

In relation to **noise**, a separate noise report has been submitted. It states that the provision of enhanced glazing will be required to ensure that the amenity of the proposed dwelling is protected. It is stated that the predicted internal noise levels for dwellings on site with the presence of these mitigation measures (enhanced glazing and attenuated ventilation) are within the recommended criteria.

With regard to **boundary treatment**, the response states that given the nature of the site adjoining the motorway, the applicant is proposing a block/concrete built wall to match the existing boundary wall to Lanesborough.

A revised **public lighting site layout plan** has been submitted.

With regard to **vehicular access onto St. Margaret's Road** it is stated that the applicants engage with NRB Consulting Engineers and he was advised that the traffic speeds along St. Margaret's Road are not conducive to providing an additional entrance at this point.

4.4 Further Consideration by the Planning Authority

Further observations were submitted primarily from adjoining residents living in Lanesborough Gardens objecting to the revised proposals. The contents of these observations have been read and noted.

A further report from the **Transportation Planning Section** states that the additional information submitted has not fully resolved its concerns. Further revisions and design are required in order to adequately address pedestrian and vehicular conflicts. It is also contended that further in-curtilage car parking could be provided with a consequent reduction in the number of units. With regard to the access onto St. Margaret's Road the comments of the applicant are noted. However it is stated that the provision of an access and road frontage to the site would have an effect of lowering traffic speeds and hedging could be maintained at a low level to achieve the visibility. It is suggested that this option should be explored further. In conclusion therefore the

Transportation Planning Department requires clarification of the additional information.

A further report from the **Water Services Section** states that there is no objection subject to conditions. A further report from **Irish Water** states that there is no objection subject to conditions.

A report from the Parks and Green Infrastructure Division states that there is no objection to the proposed development in terms of landscape proposals.

The **final planning report** considers that the development as revised remains substantially similar to the initial layout. It is stated that in-curtilage parking may be provided, however this would require substantial revisions to the overall design which it appears the applicant is unwilling to undertake. It is stated that issues in relation to pedestrian and vehicular conflict remain. Of particular concern is the applicant's reluctance to consider an alternative access onto St. Margaret's Road. It is further noted that the applicant has not provided appropriate street frontage to St. Margaret's Road as required. Having regard to the above deficiency it is considered that the development would be inappropriate and would fail to deliver the optimum redevelopment of this important brownfield site. It is therefore recommended that planning permission be refused for the development.

In its decision dated 5th April, 2016 Fingal County Council issued notification to refuse planning permission for the following two reasons:

1. *The proposed development by reason of:*
 - (a) *Inappropriate design and location of car parking relative to residential units intended to serve.*
 - (b) *The unresolved vehicular access arrangements.*
 - (c) *The potential for vehicular and pedestrian conflict would result in a substandard form of development thereby creating a poor residential environment for intended occupants.*

The development as proposed would therefore seriously injure the residential amenities of future residents and could be contrary to the proper planning and sustainable development of the area.

2. *The design and linear layout of the proposed residential blocks providing for gable frontage to St. Margaret's Road would fail to contribute in a meaningful way to the urban fabric of the area or the enhancement of the streetscape which would otherwise be achieved by the redevelopment of this prominent brownfield site. The proposed residential scheme would be visually unsatisfactory and would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the Meakstown area.*

5.0 PLANNING HISTORY

The Fingal County Council Planner's Report makes reference to one application Reg. Ref. F07A/0200 which refers to an application for a residential development of 50 units. This application was withdrawn prior to a determination. Details of this application are contained in a pouch at the rear of the file.

6.0 GROUNDS OF APPEAL

The decision of Fingal County Council to issue notification to refuse planning permission was the subject of a first party appeal on behalf of the applicant by AKM Consultants. The grounds of appeal are outlined below.

- It is noted that the site is zoned for residential development and that the adjoining lands to the south and east have already been developed.
- With regard to the design and location of car parking, it is stated that it is not possible to provide in-curtilage car parking without dramatically reducing the number of units.
- The proposed street layout prioritizes people movement rather than vehicular movement.
- The site is not wide enough to allow for standard suburban housing.
- The Planning Authority's decision to refuse permission shows a complete disregard for the surrounding residential development which incorporates similar parking arrangements. Details of these parking arrangements are indicated in aerial photographs submitted in the grounds of appeal.

- The applicant investigated access through Lanesborough Terrace (to the immediate west of the subject site) but these lands are zoned for open space and are not taken in charge.
- The concerns with regard to access onto St. Margaret's Road are reiterated and an independent traffic study concluded that required sightlines could not be achieved for access onto St. Margaret's Road. It is concluded that Lanesborough Gardens is the preferred access from a traffic safety perspective.
- It is further noted that the Transport Planning Section, rather than recommending refusal of planning permission in this instance, suggested that clarification of additional information be sought.
- With regard to the issue of pedestrian and vehicular conflict the grounds of appeal considered that Fingal County Council have totally exaggerated this issue. The proposed development provides a safe environment with little potential for pedestrian and vehicular conflict. The scheme is designed as a cul-de-sac and provides an attractive safe and secure residential setting that prioritises pedestrian movements. The cul-de-sac arrangement reduces traffic speeds and reduces pedestrian and vehicular conflict.
- With regard to the visual impact of the proposal, it is stated that the density is in keeping with the character of the area and the grounds of appeal cite similar examples where boundary walls are located along St. Margaret's Road similar to what is proposed in the current application (specific reference is made to Seagrave Court to the immediate east of the subject site).
- Slight amendments have been proposed along the northern boundary wall to include brick pillars and railings as indicated on Drawing PL011 submitted with the grounds of appeal.
- Finally the Board are requested to consider that the proposed development exceed the standards set out in the design standards for new apartments issued by the Department.
- The Board are therefore respectfully requested to overturn the decision of the Planning Authority and grant planning permission for the proposed development.

7.0 APPEAL RESPONSES

A response from Fingal County Council states that notwithstanding the request for additional information, the development as proposed did not address in full the concerns raised by the Planning Authority in terms of the overall design and the scheme's relationship with St. Margaret's Road. It is also considered that there is a conflict between pedestrian and vehicular movements on site. It is considered that there are

significant deficiencies in the additional information response which could not be adequately addressed by way of condition and would have required a significant redesign of the overall scheme.

In the event that the appeal is successful the Planning Authority requests that the Board apply a financial contribution condition in accordance with the adopted Development Contribution Scheme.

8.0 OBSERVATIONS

An observation was received on behalf of the Lanesborough Gardens. It states that the residents wish to state that there is no objection to the proposed new development provided that the entrance would be on St. Margaret's Road and not through Lanesborough Gardens.

Also attached to the submission is a separate report outlining observations and concerns in respect of the additional information submitted by the applicant on foot of the Planning Authority's request. The concerns centre on the issue of traffic along Lanesborough Gardens and highlight issues in relation to road safety, road noise, loss of car parking spaces, loss of privacy, devaluation of property, potential security issues and anti-social behaviour and inadequate width of Lanesborough Gardens to accommodate the additional traffic.

9.0 DEVELOPMENT PLAN PROVISION

The site is governed by the policies and provisions contained in the Fingal Development Plan 2011-2017. The subject site is governed by the zoning objective RS – *'to provide for residential development and protect and improve residential amenity'*. The vision under this zoning objective is *'to ensure that any new development in existing areas would have minimal impact on and enhance existing residential amenity'*.

Objective TO67 of the plan seeks to ensure that all new developments are designed to ensure traffic calming measures in favour of pedestrians and cyclists over cars.

In terms of residential standards, **Objective RD07** requires that new residential units comply with or exceed the minimum standards set out in **Tables RD01, RD02 and RD03**. For three bedroom houses the minimum gross floor area shall be between 92 and 100 sq.m. In terms

of apartments duplexes the minimum gross floor area for one bedroomed apartments shall be 51 square metres and for two bedroomed apartments between 67 and 73 square metres.

In terms of inland and backfill sites, **Objective RD10** seeks to encourage and promote the development of underutilised infill and backland sites in existing residential areas subject to the character of the area being protected.

The provisions of the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* prepared by the Department of Heritage and Local Government and the *Sustainable Urban Housing: Design Standards for New Apartments* (December, 2015) would also apply in this instance.

10.0 PLANNING ASSESSMENT

10.1 Introduction

I have read the entire contents of the file, visited the site in question and have had particular regard to the reasons for refusal and the issues raised in the grounds of appeal. I consider the main considerations in determining the appeal and application before the Board are as follows:

- Principle of Development
- The Layout and Configuration of Proposed Units on Site
- Group Car Parking Arrangements and Overall Density Standards
- Access onto St. Margaret's Road
- Vehicular and Pedestrian Arrangements within the Scheme

10.2 Principle of Development

The proposed development fully accords with the zoning objectives for the site in that it seeks to provide infill residential units on a site which is specifically zoned and earmarked for residential development. Furthermore I am satisfied that the proposed units comply in terms of size with the minimum requirements set out in Tables RD01 and RD02 of the Development Plan and fully comply with the minimum standards set out in the recently published Guidelines for Apartment Sizes. In terms of density, I am satisfied that the proposed development complies with the density standards set out in the Guidelines for Planning

Authorities on Sustainable Residential Development in Urban Areas. In terms of brownfield sites, the Guidelines state that in “general minimum net densities of 50 dwellings per hectare subject to appropriate design and amenity standards should be applied at appropriate locations including public transport corridors”. There are a number of bus routes serving the Meakstown area and as such this brownfield site meets the criteria for higher densities set out in the Guidelines.

Finally in respect of the principle of development I note that Fingal County Council did not refuse planning permission on the grounds that the principle of residential development was not appropriate on the subject site but rather refused planning permission for specific reasons relating to design, access and general traffic/pedestrian arrangements within the scheme and these are dealt with in more detail below.

10.3 Layout and Configuration of Proposed Units

It is clear from the information contained on file that the Planning Authority requested the applicant to redesign the scheme so as to more adequately address the St. Margaret’s Road frontage along the northern boundary of the site.

I would generally concur with the applicant that providing direct residential frontage onto St. Margaret’s Road may not be appropriate in this instance. In terms of amenity I would question the suitability of providing housing directly fronting onto St. Margaret’s Road having regard to the busy nature of this road, and perhaps more importantly the sites location in proximity of the M50 Motorway which is located less than 50 metres from the northern boundary of the site. As a result of my site inspection I am satisfied that St. Margaret’s Road also carries high volumes of traffic throughout the day. It is a designated Regional Route and an important distributor road serving largescale residential development to the south as well as accommodating traffic between Finglas and Ballymun and traffic to and from the Ikea store located further east of the subject site.

The appropriateness and suitability of providing housing directly onto such a busy route is questionable from an amenity point of view particularly in terms of traffic noise. The Board will also note that existing residential development to the east of the site incorporates gable ends or rear elevations of houses onto St. Margaret’s Road. Fingal County Council in granting planning permission for these schemes clearly formed the opinion that road frontage onto St. Margaret’s Road was not

a necessary prerequisite in terms of design and layout. I consider a similar conclusion can be arrived at in this case. In fact the Board will note that none of the residential development in the vicinity of the subject site directly fronts onto St. Margaret's Road. I would therefore disagree with the Planning Authority's conclusion that the overall layout of the site would benefit from an access onto St. Margaret's Road.

10.4 Group Car Parking Arrangements and Density

Fingal County Council in its assessment of the application considered that the group car parking arrangements in this instance were inappropriate and considered that the overall scheme would greatly benefit from "incurtilage car parking arrangements". The applicant reasonably points out in my opinion that the site dimensions do not readily lend themselves for the provision of front garden or incurtilage car parking arrangements. Both the applicant and Fingal County Council readily acknowledge that in order to incorporate in-curtilage car parking, an overall reduction in the number of units would be required. Again there are numerous examples in the immediate vicinity of the site where group type car parking arrangements were considered to be acceptable. Some of these examples are contained in my site inspection photographs attached to this report and more numerous examples are set out in the grounds of appeal. The applicant points out in his appeal submission that there are no less than 13 residential developments within a 500 metre radius of the subject site, all of which incorporate similar type group car parking arrangements.

While it may be more aesthetically pleasing and more appropriate from an amenity point of view to provide incurtilage car parking arrangements particularly in respect of the residential houses on site, any such requirement must be balanced against the need to provide housing in appropriate densities on serviced brownfield sites within the city.

There is a requirement, particularly having regard to the current housing crisis and the recently published 'Action Plan for Housing' in which one of the five key pillars is to build more homes to provide additional housing at appropriate densities. As already mentioned above, brownfield sites (such as the current appeal site) are deemed to be suitable for increased densities. The guidelines suggest that densities in excess of 50 units per acre could be provided. The provision of 21 units on a 0.46 hectare site equates to approximately 46 units per hectare and therefore is generally in line, if not a little bit below these prescribed densities.

Therefore having regard to the need to provide housing at appropriate densities on serviced brownfield sites and having regard to the precedent in terms of other parking arrangements for similar type residential developments in the immediate vicinity, I do not consider that the design and location of car parking to serve the residential unit constitutes reasonable grounds for refusal.

10.5 Proposed Access onto St. Margaret's Road

Fingal County Council also makes reference in its first reason for refusal to the unresolved vehicular access arrangements associated with the site. Specifically Fingal County Council required that the applicant give consideration to providing a new vehicular access onto St. Margaret's Road. As already referred to above, St. Margaret's Road provides an important local strategic function, being a primary distributor and collector road between Finglas and Ballymun. The proliferation of additional accesses onto the road is questionable in my view in terms of preserving the overall capacity of the road. To date Fingal County Council has restricted the proliferation of accesses onto St. Margaret Road.

The Traffic Consultant's Report submitted with the additional information indicates that a speed survey undertaken found that the 85th percentile measured speeds in excess of 60 kph which is well in excess of the 50 kph speed limit. Having inspected the site I noted that traffic travels at excessive speed along this section of the Road. Furthermore the Board will note that the site boundary is located at a convex bend within the road which inhibits sightlines particularly in a western direction. The traffic assessment undertaken notes having regard to the traffic speeds that sightlines of 120 metres or at the very least 90 metres would be required in both directions. Again having inspected the site and having particular regard to the traffic volumes and traffic speed along St. Margaret's Road, I consider that any access onto St. Margaret's Road from the northern boundary of the site could result in a traffic hazard. I therefore do not consider it appropriate that a new access is provided from the site into St. Margaret's Road.

Furthermore the existing road configuration includes a cul-de-sac along the eastern boundary of the site at Lanesborough Gardens. This would suggest that it was intended that the subject site would be serviced off Lanesborough Gardens as opposed to St. Margaret's Road. In fact the planner's report alludes to this where it is stated on Page 5 of the report

that *“it was noted on the site visit that the existing footpath adjacent to No. 30 Lanesborough Gardens continues to the boundary wall this would suggest that the intention was to allow for the continuation of the cul-de-sac into neighbouring lands”*.

It is apparent that a major concern in the case of the observation submitted to the Board relates to the increased traffic arising from the proposed development which would travel along Lanesborough Gardens. Lanesborough Gardens currently serves in excess of 60 units. The traffic generated by the development would result in a circa 30% increase in the number of trips along Lanesborough Gardens. Having regard to the dimensions and layout of the road serving Lanesborough Gardens, I consider such an increase in traffic to be acceptable and I would consider it to be more appropriate in terms of road safety, than permitting a direct vehicular access onto St. Margaret’s Road.

If the Board are minded to grant planning permission in this instance I would consider it appropriate that a pedestrian and cycle access be provided onto St. Margaret’s Road so as to provide a more direct link with the commercial and retail area of Charlestown/Meakstown to the south-west of the site.

10.6 Vehicular and Pedestrian Arrangements within the Scheme

The first reason for refusal cited by Fingal County Council states that there is potential for vehicular and pedestrian conflict. It is assumed, having regard to the Transportation Department reports on site, that this relates to vehicular and pedestrian conflict within the scheme.

I am satisfied having regard to the layout that vehicular and pedestrian traffic are appropriately segregated. I am further satisfied that appropriate traffic calming measures have been incorporated into the subject site and that clear and designated pedestrian crossing facilities have likewise been provided. I do not consider that the layout proposed gives rise to any significant concerns in relation to vehicular and pedestrian conflict. If the Board are minded to grant planning permission in this instance I would recommend that the footpath on the southern side of Unit No. 1 be extended through the small landscaped incidental open space adjacent to the western boundary of the site so as to link up with the existing footpath along the southern side of No. 31 Lanesborough Gardens. This would obviate the need for pedestrians leaving the site to traverse the main vehicular access leading to and from the site.

11.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the fact that the nearest European sites are located c.10 kilometres from the appeal site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 CONCLUSIONS AND RECOMMENDATION

Arising from my assessment above I consider that the Board should overturn the decision of the Planning Authority and grant planning permission for the residential development proposed based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the site it is considered that, subject to conditions set out below the proposed development would not seriously injure the amenities of the area or property in the vicinity, would be appropriate in terms of form and layout having particular regard to the design and layout of similar type residential schemes in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance 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 plans and particulars received by Fingal County Council on the 9th day of March, 2016 and the drawings received by An Bord Pleanála with the appeal on the 29th day of April 2016, 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 following changes shall be incorporated into the overall layout.
 - (a) A pedestrian/cycle entrance shall be incorporated on the northern boundary of the site providing direct access onto St. Margaret's Road.
 - (b) The footpath along the southern side of Unit No. 1 shall be extended to the western boundary of the site and shall link up with the existing footpath along the southern boundary of No. 31 Lanesborough Gardens.

Details of the above changes shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To improve pedestrian access to and from the proposed development.

3. 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 detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation.

Reason: To ensure the satisfactory development of public open space and their continued use for this purpose.

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

Reason: In the interest of visual amenity.

5. 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.

6. 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.

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

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

8. Parking for the proposed development shall be provided in accordance with a detailed parking layout which shall be submitted to and agreed with the planning authority prior to the commencement of development. All car parking spaces shall have minimum dimensions of 2.5 x 5 metres.

Reason: In the interest of orderly development.

9. Details in respect of all surface water management issues including the provision of an off line detention basin within the open space area shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

10. Public lighting shall be provided in accordance with a scheme to be agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the occupation of any house.

Reason: In the interest of amenity and public safety.

11. During the construction phase the applicant shall provide details of the proposed on-site parking and site compound arrangements. No overspill car parking shall be permitted onto the adjoining local road network at Lanesborough Gardens.

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

12. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 properties in the vicinity.

13. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

14. Prior to the commencement of development precise details of all boundary treatment including boundary treatment between the rear gardens of the proposed units shall be submitted for the written agreement of the planning authority. The use of wood fencing shall not be permitted.

Reason: In the interest of visual amenity.

15. Proposals for an estate/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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until

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

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

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

17. 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 on-going operation of these facilities shall be submitted to and agreed in writing with the planning authority prior to the 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.

18. 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 interests of sustainable waste management.

19. Prior to the 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 and part thereof to the satisfactory completion of any part of the development. The form and amount of 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.

20. 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. 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 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Paul Caprani,
Senior Planning Inspector.**

29th August, 2016.

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