



An
Bord
Pleanála

Inspector's Report PL06F. 248970

Development	385 apartments, 161 houses and 1,917m ² of commercial floorspace
Location	Baldoyle, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/ 0412
Applicant	Helsingor Ltd (In Receivership)
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant	Stapolin Management Ltd. and Red Arches Management Ltd.
Observer	David Healy
Date of Site Inspection	27 th October 2017
Inspector	Stephen J. O'Sullivan

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1.0 Site Location and Description

- 1.1. The site is on the northern fringe of the built up area of Dublin c10km north-east of the city centre and c1km west of the coast at Baldoyle Bay. The stated area of the site is 15.89ha. The central part of the site is vacant land that was previously subject to some ground works. Its western boundary is along a railway where a DART station was recently built. An access to that station from the public road at Myrtle Avenue runs through the site. That avenue adjoins the southern boundary of the site and is part of a housing development from the early part of this century. It is connected to the R809 Grange Road to the south along Longfield Avenue, which currently terminates at a junction on the southern boundary of the appeal site. The street frontage along that avenue is formed by buildings that are 3 and 4 storeys high. The southern part of the eastern boundary of the appeal site abuts the back of houses in a mid-20th century housing estate. The northern part of that boundary adjoins a recent residential development at the Red Arches. That development is linked to the R106 Coast Road to the east by the Red Arches Road, which is flanked by buildings that are 2 and 3 storeys high and currently terminates at the eastern boundary of the appeal site. There has been extensive recent development on the other side of the railway from the site that includes a Main Street which terminates a beside the train station at a local service centre.
- 1.2. The site includes an area to the north of its main part towards the Mayne River, and another extension to the north west immediately to the north of the housing at the Red Arches.

2.0 Proposed Development

- 2.1. The development shown on the further information submitted to the planning authority on the 27th March 2018 would provide 385 apartments and 161 houses, as well as a local centre with 1,917m² of floorspace in commercial units that would include shops, a café and a crèche. Pedestrian access to the train station would be provided across a plaza known as Stapolin Square with steps and ramps to address the difference in levels. The existing access to the station would be closed. An open space of 1.57ha would be provided at the Haggard in the north east extension from the main part of the site. A constructed wetland would be provided in the extension

to the north of the main part of the site, the treatment volume of which was specified as 1,869m³ in the further information. Plans to alter the existing junction between Longfield Road and the Grange Road were submitted.

- 2.2. The layout of the development would include the extension of Longfield and Red Arches Roads across the site, from south to north and east to west respectively. It would also involve the extension of Stapolin Avenue and the commencement of Ireland's Eye Avenue whose carriageways would be bifurcated by a linear green space along which a cycle track would run.
- 2.3. The proposed residential accommodation would provide 546 homes of the following types-
 - 20 one-bedroom apartments
 - 333 two-bedroom apartments
 - 32 three-bedroom apartments
 - 93 three-bedroom houses
 - 68 four-bedroom houses
- 2.4. The proposed local centre would provide commercial floorspace of 1,917m² that would include -
 - A small supermarket of 461m²
 - A café of 200m²
 - 4 shops of between 88m² to 99m² each
 - A crèche of 880m² (a temporary crèche in the earlier phase of the development would be provided pending the completion of the permanent one later)
- 2.5. The built form of the development varies across the site, as follows-
 - Block A would be in the north-western part of the site beside the train station and the proposed Stapolin Square. It would be occupied by a podium at ground floor level including the commercial floorspace in the local centre, as well as bicycle and car parking. Three apartment blocks would rise from that podium with a further 5 storeys of residential accommodation.

- Block B would be in the north-east of the main part of the site. It would include Blocks B1 and B2 which would have four storeys of residential accommodation over a basement car park. Block B1 would face Longfield Road. Blocks B3 and B4 would comprise 2 and 3 storey houses with on-street parking, along with three-storey corner units containing duplexes and apartments. The frontage onto Stapolin Avenue and Ireland's Eye Avenue would generally be three-storey.
- Block C would occupy the southern part of the site. Block C1 would consist of own-door apartments and duplexes in 2no. three-storey buildings parallel to the railway. Blocks C2, C3, C4 and C5 would consist of terraced houses of two- or three-storeys along with three-storey corner units containing duplexes and apartments. The frontage onto Longfield Road and Stapolin Avenue would generally be three-storey.
- Block D would be in the south-eastern part of the site and would contain 12 semi-detached houses. Blocks C and D would be served by on-street parking
- Brick finishes would predominate on the houses and duplex/apartment units. Brick would also appear on the elevations of the apartment blocks, along with glass and metal panels. The commercial units and the apartments and duplexes would have bin storage areas in the basement or behind the buildings. The houses would store their bins at the front. The basement car parks would include areas for bicycle parking.

2.6. The applicant is looking for a permission with an appropriate period of 10 years. A phasing plan was submitted with Blocks B3, B4, C4, C5 and D1 as well as the open space in the Haggard in phase 1. Blocks C1, C2 and C3 as well as the public space at Stapolin Square would be in phase 2. Blocks A, B1 and B2 would be in phase 3. The development would therefore progress from east to west and would consist mainly of terraced houses to start with, with the local centre and most of the apartments built later.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 34 conditions.

Condition no. 1 referred to the further information submitted to the planning authority on 27th March 2017.

Condition no. 2 specified that the authorised development included 546 home of which are 385 apartments and 161 houses.

Condition no. 3 stated that the permission would be valid for 10 years.

Condition no. 4 required *inter alia* that temporary crèche be provided in blocks B3 or B4 or C4 or C5 and the submission of various details about Stapolin Square including those for universal access.

Condition no. 10 required pedestrian access to the train station to be maintained at all times during construction.

Condition no. 14 required the submission of details regarding the construction of the haul road.

Condition no. 24 restricted the use of the commercial units and required the submission of a shopfront strategy.

Condition no. 32 required the conclusion of an agreement under Part V of the planning act that would be generally in accordance with the proposals for 55 units made in the further information submitted by the applicant.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report on the initial application stated that the overall density of the proposed development was 63/ha. The proposal is generally consistent with the overall vision of the local area plan that identified the site for urban housing. The overall density adjacent to the railway is in keeping with the regional planning guidelines. The criteria set out in the 2009 urban residential guidelines have been taken into account in the design of the proposed development. The apartments comply with the

minimum standards set out in the 2015 design standards for new apartments, and more than 50% of them have dual aspect. The open space for the apartments complies with those standards, but a play space for teenagers should be identified. The proposed crèche of 80 spaces would be inadequate to serve the development in accordance with the 2001 guidelines on the matter, and 146 spaces would be required. The layout of provides blocks that are somewhat larger than those proposed in the local area plan but generally accord with them. Some of the punctuation nodes have not been adequately addressed. The layout of Block C1 along the railway should be revised to reflect the cul-de-sacs shown on the LAP map. The housing mix is acceptable in the wider context of Baldoyle where 3 and 4 bedroom houses predominate. The proposed 6 storey buildings beside the railway are higher than the 4 to 5 storeys envisaged in the local area plan but this is justified by the scale of buildings on the other side. Blocks A1, A2 and A 3 would hinder access to the train station and Stapolin Square from the south by pedestrians and cyclists. Overall the green infrastructure is considered to align with the LAP. The size of the retail and commercial units generally accords with what was envisaged for the southern half of the village centre in the LAP. There is a notable lack of office or employment facilities. Notwithstanding section 6.4 of the LAP which states that no application for permission should be for more than 150 units, the submitted phasing proposals are considered to be acceptable. Progressive development from south to north would be rational, with the proviso that the Haggard and water quality wetland be provided in the first phase and the part V housing and Stapolin Square in the second. The EIS refers to works to the junction with Grange Road that is not included within the site boundary. This are some discrepancies between the site layout and landscaping plans. The transition in height between the proposed development and the existing development to the south is acceptable. The red brick will distinguish the two. Detailed concerns regarding design are stated. The concerns of other departments of the council were stated. There is potential for the development to impact on Natura 2000 sites. A screening report for appropriate assessment concluded that there will be no negative impacts on the qualifying interests of any Natura 2000 site within 15km of the proposed development, while the council's Heritage Officer is of the view that the proposed development will not adversely impact Natura 2000 sites either alone or in combination with other plans or

projects. It was recommended that further information be sought on a range of issues.

The subsequent report on the further information stated that the delivery of the wetland can be conditioned to occur prior to the completion of the 60th unit in accordance with the LAP. The applicant's refusal to provide public access to a pedestrian to the train station through Block A is accepted by the planning authority. The proposed temporary crèche should be in Block C rather than in a temporary building and this should be required by condition. Questions of accessibility to Stapolin Square can be submitted for the agreement of the planning authority. Its design is generally acceptable. A condition should require cyclist priority measures at the upgraded junction on the Grange Road. A 50 kph design speed is considered reasonable on the primary routes and the council's Transportation Section has not objected. The revised junction along Stapolin Avenue is considered to be a significant improvement and additional traffic calming can be agreed prior to the commencement of development. The development plan requirement that 10% of the area be provided for open space has been met by that proposal at the Haggard, while Class 1 open space would be provided at the Racecourse Park. The proposed haul route to the north of the site from the Mayne Road is acceptable to the planning authority. The revised proposal to provide 55 Part V housing units across the site rather than just along the railway in Block C1 is acceptable. Public art can be provided through better infrastructure at Stapolin Square. People can wheel their bicycles up the steps there on a ramp. The addendum to the EIS adequately considers the likely impacts of the revisions to the proposed development. The proposal's compliance with development plan policy is not affected by the adoption of the new plan in March 2017. The proposed development would be in keeping with the proper planning and sustainable development of the area. A grant of permission was recommended.

3.2.2. Other Technical Reports

- The Parks Division sought further information in respect of the open space proposals. Further comments were provided on the further information.
- The Water Services Section raised no objection with respect to surface water drainage.

- The Transportation Planning Section sought additional details with respect to the Traffic and Transport Assessment in the EIS. The use of a 30 kph speed design for the primary routes was queried. The proposed car parking is 12% less than the norms in the county development plan, although this may be justified by the proximity of the train station. The internal layout is generally in accordance with the local area plan and DMURS. The report on the further information stated that it addressed the issues raised in the request.
- The County Architect states that the proposed development resolved this large site and met the requirements of the local area plan to some degree. However particular comments were made about the extensive use of brick; the treatment of block corners; the ramp access to the train station; the location of the social housing parallel to the railway; and the junction of the Red Arches and Longfield Roads.
- The Environmental Health Officer raised no objection subject to conditions.
- The Heritage Officer's report said that he was of the view that given the location and nature of the proposed it will not adversely impact Natura 2000 site either alone or in combination with other plans or projects. It is not clear whether the mitigation measures at section 5.6 of the EIS have been incorporated into the project design and will be implemented. An invasive species management plan should also be sought. The report on the further information recommended conditions relating to environmental management.
- The Housing Department stated that the proposal to comply with Part V of the housing act set out on the planning application form was acceptable

3.3. Prescribed Bodies

- 3.3.1. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs raised no archaeological objections.
- 3.3.2. Irish Water stated no objections to the proposed development.
- 3.3.3. The Commission for Railway Regulation did not object to the development.
- 3.3.4. Iarnród Éireann made a submission on the original application which stated that the site impinged on the railway land.

- 3.3.5. An Taisce made a submission that referred to Box 5.2 of the National Spatial Strategy 2002.
- 3.3.6. The Fingal County Childcare Committee stated that the proposal on one crèche for the first 160 dwellings did not meet the benchmark facility of one facility per 75 dwellings. Greater provision would be required for the entire development.

3.4. **Third Party Observations**

Several submissions were made to the planning authority which raised concerns about the proposed development similar to those raised in the subsequent appeal, as well as with the height, scale and density of the proposed development. A submissions on the further information stated that the proposed redesign of the junction on the Grange Road would not provide proper segregation for cyclists and that the design speeds in the development should be 30km/h in line with DMURS. Another expressed concern about the absence of sporting and community facilities for young people and anti-social behaviour at the train station.

4.0 **Planning History**

- PL06F. 226287, Reg. Ref. F07A/0040 – the board granted permission on 13th May 2008 for 206 apartments and 187 houses, and a crèche, on a site that comprised 5.82ha of the current site. This permission has expired.
- PL06F. 224781, Reg. Ref. F06A/0671 – The board granted permission on 28th March 2008 for 412 homes and a neighbourhood centre on a site that included the northern part of the current appeal site. This permission has expired.
- PL29N. 248713, Reg. Ref. 3634/16 – An application is currently before the board seeking permission for 139 houses and 5 shops, including a tower 16 storeys high, across the railway within the area of the city council.

5.0 Policy Context

5.1. National Policy

- 5.1.1. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and its accompanying Design Manual were issued by the minister in May 2009
- 5.1.2. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in December 2015.
- 5.1.3. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013.
- 5.1.4. All the above documents set policies and standards that are applicable to the consideration of the proposed development.

5.2. Development Plan

The Fingal County Development Plan 20017-2023 applies. The main part of the site is zoned RA – Residential and is subject to a specific objective to refers to the Baldoyle-Stapolin Local Area. The northern extension of the site is part of lands zoned under objective HA – High Amenity. A school site is proposed to the south of the appeal at the Grange Road. An indicative cycle/pedestrian route is shown along that road.

5.3. Local Area Plan

The Baldoyle-Stapolin Local Area Plan was made in May 2013. The plan contains extensive guidance on the development of the site and surrounding land, including –

- the provision of a local centre and civic space beside the train station;
- the alignment of main routes from north to south and east to west though the site to extend the existing streets at Longfield Road and Red Arches Road;
- the alignment of green routes through the site to extend the existing Stapolin Avenue and provide another from the station with Ireland’s Eye as a vista; and
- an open space at the Haggard.

The plan specifies densities of 38-42 dwellings per hectare over most of the current site, rising to 50-80 units beside the train station. With regard to phasing, the site is designated as growth area 1. Map objective 8 is to provide a school site on the northern part of the village centre (outside the current appeal site) as an alternative to the one identified on the Grange Road. Section 4E. 3 of the plan deals with educational facilities. It refers to these two sites for primary schools and states the Department of Education has advised that no additional land is required to be reserved for secondary schools.

5.4. Natural Heritage Designations

The site is not subject to designation for natural heritage. The Special Area of Conservation at Baldoyle Bay (sitecode 000199) extends to include the coastal land to the north-east of the site immediately outside the area of the local plan. The bay itself is designated as an SPA (sitecode 004016).

6.0 The Appeal

6.1. Grounds of Appeal

- The appellants represent existing residents in the recent developments to the south of the appeal site that would be effected by the proposed development. Their main concern relates to the interface between the subject site and the manner in which the proposed development would be constructed in a sustainable way without undue disturbance to the local community. The appellants' neighbourhoods would be affected by the location, layout and design of the proposed development. The proposed development, in conjunction with that proposed on the other side of the railway, appears to be going ahead without the necessary community infrastructure and would be premature and irresponsible, and a material contravention of the development plan and the local area plan. Apart from the DART, the local road and transport infrastructure is inadequate to support the proposed development.

- The mix of house/apartment types is inadequate with only 12 semi-detached houses all of which are three bedroom units. Families in the area who wish to upgrade need more three and four bedroom houses.
- Adequate parking would not be provided, particularly for visitors, which is an issue in the neighbouring estates.
- The road layout would facilitate a rat run from the coast road to the R106 to by-pass Baldoyle. Restrictions should be put in place to prevent this.
- There is a shortage of school places in the area. The EIS failed to show how this community requirement would be met if the development goes ahead. A school site has been identified close to the Grange Road which needs to be put in place before the proposed development goes ahead.
- The planning applications fails to address the dearth of community facilities in the area. If anything is to be learned from previous failures in large housing areas it is that the development will not work without the necessary social and physical infrastructure being in place before or with the housing development. The community facility deficit is already clear in this area and the failure of the application and the planning authority's decision to phase the community and commercial services in a meaningful way must be addressed by the board.
- The submitted EIS lacks evidence of some of its claims with reference to the social and economic facilities and traffic. No attempt was made by the EIS team to meet the existing residents in the area.
- The housing location evaluation framework set out in the Guidelines for Planning Authorities on Residential Density and Sustainable Residential Development in Urban Areas should be used in an assessment of the development. The schools in the area appear to be at capacity, issues remain with flooding, the DART network is close to capacity, the development will do little to underpin or reinforce the economy of the area, the disparate open space will not help to reinforce any sense of place, there is misinformation regarding the capacity of community services in the area, while the housing provided is mixed and would cater for most household types in the community. The development fails to meet the reasonable objectives set out in the county development plan or those in the local area plan. The

development would not support the provision of education facilities or the provision of multi-use community facility under the Fingal Schools Model. No evidence was submitted to show compliance with the planning authority's public and communal open space standards.

- The further information submitted to the planning authority did not deal with issues raised in the request. The connection of the Coast Road to the Grange Road could become a rat run. The schools and community facilities in the area are not adequate to cater for the proposed development. Vandalism at the train station clearly points to the lack of community facilities in the area. It is suggested that the application be refused on at least one ground that it is premature pending the provision of community facilities included the primary school.

6.2. Applicant Response

- The planning authority's decision to grant permission will facilitate the development of quality homes in a mixed tenure neighbourhood with supporting infrastructure in the form of a village centre which includes a crèche beside a railway station. A range of open spaces would be provided including a local park at Stapolin Haggard and green boulevards along Stapolin Avenue and Ireland's Eye Avenue. The site is part of Growth Area 1 as designated in the 2013 local area plan. Some enabling works were carried out upon it before 2007. There was planning permission for housing and commercial development under PL06F. 224781, Reg. Ref. F06A/671 and PL06F. 226287, Reg. Ref. F07A/0040 but this has expired. Longfield Road connects the site to the R139 Grange Road, while Red Arches Road provides connectivity with the R106 Coast Road. Pedestrian and cycle facilities include a segregated link to the railway station.
- With regard to community facilities, the development plan identifies a school site on the Grange Road while the local area plan identifies a future alternative school site to the north. Neither are within the current site or growth area 1 of the local area plan. The Capital Programme for Schools 2016-2021 issued by the minister for education did not include a school in

Baldoyle, but did refer to a possible need for a post primary school in the Dublin 17 and Dublin 13 area. The proposed development would include the first half of an urban centre with civic spaces, commercial services and a crèche. The crèche would accommodate 150 childcare places, while the commercial floorspace has been designed to accommodate a range of retail and/or other uses. As the village centre would be provided in phase 3 a temporary crèche would serve the homes in blocks C and D before then. A community room of 78m² would also be provided in Zone B. The site would be linked by green boulevards to the Racecourse Regional Park and local play areas would be provided at the Haggard and at Blocks A, B and C. A civic space would be provided at Stapolin Square.

- With regard to infrastructure, the proposed development would facilitate the delivery of specific roads proposals in the development plan from east to west and north to south across the site. It was a design principle to avoid the creation of a desirable route for non-local traffic by adopting a low design speed and the various self-regulating features to achieve it, in accordance with the advice given in DMURS, except for the primary roads where legacy carriageway widths of 7.5m would apply. A 30 kph design speed is appropriate for the internal road, with a 50kph limit on the primary routes. The council found the proposals in this regard to be acceptable.
- With regard to car parking, the proposed provision has been subject to rigorous analysis and was guided by the importance of sustainable transport modes. It accords with the benchmark of one space per apartment set in the Design Standards for New Apartments issued by the minister in 2015. The site is by a train station and served by public bus services. The number of parking spaces required by the standards of the development plan would be c390. The applicable standards in the adjoining city council area would require no more than 208 spaces. The proposed parking is adequate and a rationale for its calculation has been set out by the applicant. It was accepted by the council.
- Access to the railway station will be maintained and all times during construction as illustrated on various drawings submitted to the planning authority as further information item 10(c).

- With regard to residential mix, 3 and 4 bedroom houses would comprise 35% of the proposed development which would make a significant contribution to meeting the demand for family accommodation in the area.
- With regard to the neighbouring proposed development of 139 apartments in the city council area, this has been appealed to the Board. With regard to previous and future development in Fingal, this is considered and controlled by the county development plan and the local area plan with which the proposed development is in keeping. All of phase 1 and most of phase 2 of the local area plan have been completed. The proposed development will contribute to the provision of better infrastructure for the area including the village centre and the urban structure.

6.3. Planning Authority Response

Most of the issues raised in the appeal were dealt with by the planning authority in its assessment of the application and the further information. The development of the area is controlled by a local area plan that was informed by the county development plan. The proposed development complies with all aspects of the local area plan and the county development plan. It is in Growth Area 1 as designated by the local area plan. A school is not required in this phase. The proposed development would infill an underused area of land beside a train station and provide a commercial centre for local residents. The design and scale of the development is acceptable. It would be in keeping with the proper planning and sustainable development of the area.

6.4. Observations

- 6.4.1. An observation was received from Cllr. David Healy. It stated that the development and the proposed configuration of the junction with the Grange Road would not provide adequate measures for cyclists. It is not appropriate that these measures would be left to post-consent agreement without the opportunity for public comment. These matters were raised in a submission to the planning authority but were not analysed in its planning report. Full traffic cyclist segregation and traffic light phasing

should be provided at the junction with the Grange Road, which is a secondary cycle route identified in the GDA cycle network.

- 6.4.2. An observation from Iarnród Éireann requests that conditions 1, 9, 10 and 13 of the planning authority's decision be repeated on any permission issued by the board.

7.0 **Appropriate Assessment**

7.1. The appeal site is not within any Natura 2000 sites. The proposed development would not have a direct effect on any designated site therefore. However its northern extension is close (c40m) to the Mayne River which is part of the SAC at Baldoyle Bay, site code 000199. The SPA at Baldoyle Bay site code 4016 is somewhat further away, at c500m. The possibility of indirect effects on those site requires investigation. There are numerous other Natura 2000 sites within 15km of the appeal site. However there are no pathways from the appeal site to those Natura 2000 sites which would be relevant to their conservation objectives, and there is no potential for likely significant effects upon them to arise from the proposed development whether considered individually or in combination with other plans or projects.

7.2. The conservation objectives for the SAC at Baldoyle Bay are to maintain the favourable conservation condition of the following habitats –

1140 Mudflats and sandflats not covered by seawater at low tide

1310 Salicornia and other annuals colonizing mud and sand

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

1410 Mediterranean salt meadows (*Juncetalia maritimi*)

The conservation objectives of the SPA are to maintain the favourable conservation condition of the following species-

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]

Shelduck (*Tadorna tadorna*) [A048]

Ringed Plover (*Charadrius hiaticula*) [A137]

Golden Plover (*Pluvialis apricaria*) [A140]

Grey Plover (*Pluvialis squatarola*) [A141]

Bar-tailed Godwit (*Limosa lapponica*) [A157],

and that of the following habitat -

Wetland [A999]

Development on the appeal site might affect the SAC or SPA indirectly through a downstream effect on the quality of waters there or their hydrological regime. However foul effluent from the proposed development would discharge to the municipal sewer and so could not significantly affect water quality in the SAC and SPA. The development includes a surface water drainage system designed in accordance with the principles of sustainable urban drainage, with the quality and rate of the eventual discharge controlled by the constructed wetland before outfall. Comprehensive details of this system have been submitted. The operations phase of the development would not be likely to have a significant effect on the SAC, therefore. Standard construction management practices would be sufficient to avoid an indirect effect on water quality during construction. In this regard it is noted that the proposed haul route from the Mayne Road would use an existing bridge over the Mayne River and would not require works in or around the channel. The proposed housing would be located at a significant distance from the boundaries of the SPA, with a buffer zone established by the proposed open space on land zoned High Amenity. The proposed development would not cause disturbance to the species to which the conservation interests of the SPA refer, therefore.

- 7.3. The proposed development is part of a series of mainly residential developments envisaged in this area whose impacts would be cumulative. However these developments are occurring under the control of a development plan and a local area plan which were themselves subject to appropriate assessment. The proposed development would not be likely to give rise to significant effects in combination with other plans and projects that have not already been subject to appropriate assessment, therefore.
- 7.4. Having regard to the foregoing, it is reasonable to conclude on the basis of the information on the site, which is adequate to issue a screening determination, that the proposed development would not be likely to have a significant effect on the SAC or the SPA at Baldoye Bay, sitecodes 000199 and 004016 respectively, or on any

other Natura 2000 site either individually or in combination with any other project. A stage 2 appropriate assessment and the submission of an NIS is not required, therefore.

8.0 Environmental Impact Assessment

8.1. This assessment is informed by the Environmental Impact Statement that accompanied the application as well as other submissions on the case, including the addendum EIS and the other documents and further information provided by the applicant; the reports from various sections of the planning authority; submissions from prescribed bodies and third parties; as well as by the grounds of appeal and the responses and observations upon them. As the application was made to the planning authority on 20th September 2016, this environmental impact assessment is conducted in accordance with the European and national legislation in force at that time. It seeks to identify, describe and assess the direct and indirect effects of the proposed development on the environment with regard to the following factors -

- Human beings
- Flora and fauna
- Soil
- Water
- Air and the climate
- The landscape
- Cultural heritage and
- Material assets

The interaction of the foregoing, cumulative impacts and the adequacy of the submitted EIS are also assessed. The environmental impact assessment addresses likely significant effects on the environment. The reference to human beings in the EIA directive does not mean that environmental impact assessment is concerned with all and any effects of a proposed development that might affect people, as this would render the qualifier 'environmental' redundant. So this EIA does not address public policy choices, social and economic effects or traffic patterns unless they have

a specific environmental component. Of course, these are all relevant planning issues and as such are considered in the section 9 below and inform my recommendation for the board's decision.

8.2. Human beings

Following the cessation of previous preliminary works on the site, it has not occupied or used by human beings. The proposed development would provide 546 residential units which would accommodate 1,305 people if the average household size of 2.39 persons in the Greater Dublin Area prevails, as cited in section 4.4.2 of the EIS. This would provide a significantly positive impact for the human beings concerned. The development would also provide the physical accommodation in the proposed local centre to provide services to the local population and provide employment. This would have positive effects for human beings, although the likely level of trade or employment was not quantified in the EIS. The occupation of the proposed development would give rise to activity and movement through adjoining lands that are already occupied by housing. The effects in this regard on the human beings living there that would arise from the proposed development are not considered to be significant, in that both it and the adjoining neighbourhoods would be small parts of the built up area of Dublin city. The construction of the proposed development has the potential to give rise to noise and vibration that could amount to a significant effect on human beings, with the nearest dwellings on Myrtle Avenue being only c10m from the site boundary. Section 8.5.1 of the EIS predicts that construction could give rise to noise levels of $64\text{dB}_{\text{L}_{\text{Aeq}} 1\text{hour}}$ at the facades of the nearest dwelling which is within the limit for daytimes of 65dB derived from BS 5228-1:2009. The normal hours of construction are given as 0800 to 1800 from Monday to Friday and 0800 to 1300 on Saturdays, with work outside these hours requiring the approval of the planning authority. Ground breaking and pile driving during construction would have the potential cause vibration, but the vibration occurring would dissipate within a short distance of this activity and so would not be likely to affect residential property outside the site. Section 8.6 describes mitigation measures, including the erection of a 2.5m screen around the site during construction and the implementation of a construction noise and vibration management plan in order to achieve compliance with the limits set out in BS 5228-1:2009. The measures would be

practicable and likely to be effective in avoiding significant adverse impacts on human beings during construction. The addendum to the EIS specified glazing types on the western elevations of Blocks A1 and C1 in order to mitigate the impact of noise from the railway on future residents. The haul route for construction uses an existing access from the north and a bridge over the Mayne River, and so the residential roads immediately to the south and east of the site would not be affected by construction traffic. Having regard to the foregoing, it is concluded that the proposed development would not be likely to have significant adverse effects on human beings.

8.3. Flora and fauna

The existing habitats on the site are described in section 5 of the EIS. They are mainly comprised on dry grassy verge vegetation, with some bare ground and recolonizing bare ground. Surveys of fauna indicated the presence of brown rat, fox, rabbit, pygmy shrew, house mouse and wood mouse. Bat surveys recorded foraging by common pipistrelle, soprano pipistrelle and Leisler's bat. No roosts were found on the site. Bird fauna on the site included breeding skylark and finch flocks of various species. Common woodland and countryside bird species were associated with the remnant hedgerow and treelines. The proposed development will clear the existing habitats from the site except for the retained woodland at the Haggard and the treeline along Stapolin Avenue. The habitats on the site are of local importance only, and these effects on flora and fauna are acceptable. Section 5.6 of the EIS describes mitigation measures with regard to flora and fauna. The trees to be retained are identified in the submitted tree survey and measures to protect them during construction are described. The construction of the proposed wetland will protect the downstream aquatic habitats and the foraging environment for bats. Trees which are identified as potential bat roosts would be removed in autumn, while lighting levels in the finished development would be controlled. The addendum to the EIS included further measures to control invasive species, in particular Japanese knotweed, and information with regard to the haul route from the north, which would cross the River Mayne over an existing bridge and so would not require instream

works. The various mitigation measures described in the EIS appear reasonable and proportional. However the development will of necessity involve the loss the greater part of the flora and fauna on the site, although the resulting suburban development with extensive public open space and private gardens will allow species that are tolerant of urban development to become established. Given the low ecological value of the existing site and the absence of protected species and habitats there, the residual effects of the proposed development on flora and fauna are acceptable.

8.4. **Soil**

With regard to soil, the proposed development will involve extensive excavation on the site including the removal of the existing roads on the site, as described in section 6.5.1.1 of the EIS. Excavated soil will be stored away from surface water drains. The soils are not subject to environmental designation and are extensive in the area. The effects of the development on soil would not be significant, therefore.

8.5. **Water**

Although the site is not developed for housing, section 7.3 of the EIS states that some of the required drainage infrastructure was installed on foot of a previous permission with a surface outfall to the Mayne River. The system has not been maintained for 8 years and the level of the outfall is too low to drain to the constructed wetland required in the LAP, so the existing services will not be used for the proposed development. A foul sewer runs along the eastern boundary of the site which connects to the municipal system via a pumping station on the LAP lands. The appeal site is also served by the municipal water supply. The proposed development will include new surface water drainage infrastructure designed in accordance with SuDS principles, details of which are given at section 7.4 of the EIS. The system would include a constructed wetland in the floodplain to the north of the proposed housing to attenuate the volume and improve the quality of flows into the Mayne River from the site and future development on adjoining zoned land. According the Fingal and East Meath Flood Risk Assessment and Management Study, the area upon which building is proposed has a AEP for a flooding event of $\leq 0.1\%$, and so it is

within Flood Zone C as defined in the Guidelines for Planning Authorities on Flood Risk Management issued 2009. The proposed constructed wetland would be within the Flood Zone A, but would be a water compatible type of development. The proposed development would therefore be appropriate according to table 3.1 of those guidelines, which is consistent with the fact that it follows a local area plan which was itself subject to a flood risk assessment. The foul sewerage in the proposed development would be connected with the existing foul sewer to the north east of the development, while the connection to the water supply would be from Myrtle Avenue to the south of the site. The likely effects of the proposed development on the foul sewerage and water supply for the city would be marginal and insignificant. The use of SuDS in the design of the proposed surface water drainage and the installation of a constructed wetland prior to outfall means that the operation of the development would not be likely to have significant effects on water quality or flows. The works during construction would have the potential to lead to release of sediments or other pollutants to surface waters and thence to the River Mayne. However adequate mitigation measures are described in section 7.6 of the EIS which would amount to good construction practice and would render it unlikely that significant adverse effects on water would arise during construction.

8.6. Air and the climate

The proposed development involves a marginal extension of the built up area of Dublin city and is unlikely to have a significant effect on the climate. The operation of the development would not be likely to have significant effects on air quality. The construction of the development might give rise to emissions of dust or particulate matter that would have a locally significant effect. Measures are set out at section 9.6 of the EIS which would be sufficient to render such effects unlikely.

8.7. The landscape

The site is relatively flat. It is set back from the sea beside existing suburban development. The proposed development would be suburban in nature, albeit at a somewhat greater density than the mid-20th century development in the vicinity. In these circumstances the proposed development would not be likely to have significant effects on the landscape.

8.8. Cultural heritage

The appeal site does not contain any protected structures or recorded monuments. Previous archaeological surveys did not uncover significant remains. Some remnants of the 19th century Stapolin House stand where the open space is proposed at the Haggard. Section 15.6 of the EIS states that groundworks carried out as part of the development will be subject to archaeological monitoring. This would be adequate to ensure that the proposed development did not have significant adverse effects on cultural heritage.

8.9. Material assets

The proposed development would require the excavation and removal of material from the roads previously installed on the site. The hardcore is likely to contain pyrite and would not be suitable for re-use. Its estimated volume of 34,000m³. Various other sources of potential waste arising during construction are identified in section 14.4.1 of the EIS, while measures to allow for their disposal are set out in a management plan in appendix H1 of the statement. A plan for waste generated during the use of the development is also contained in appendix H2, which includes provision for communal bin storage for the commercial units and apartments, as well individual storage as in front of the terraced houses. The proposed measures are adequate to avoid the construction of the development giving rise to significant negative effects on waste management assets. The development would also increase the use of the utilities serving the area, including the gas, electricity and telecommunications networks, but not to an extent that would have significant effects on those material assets. Chapter 12 of the EIS includes a forecast of the impact of the development on traffic at the junctions from the LAP area on the Grange Road and the Coast Road. The roundabout on the latter junction is forecast to retain adequate capacity upon completion of the development. The traffic trying to leave the area at the signalized junction on the Grange Road would exceed its capacity. Alterations to the junction are proposed to provide additional traffic lanes there, at which point the forecast indicates that this area of the junction would have sufficient capacity for the forecast number of vehicles wishing to use it. The impact of those works on movements by vulnerable road users was not considered in the EIS, nor were the implications of its proximity to the adjoining school or the

designation of the Grange Road as a cycle route in the development plan. However the proper allocation of the resources at the Grange Road involve policy choices which are not within the scope of EIA. Having regard to the foregoing, it is concluded that the proposed development would not cause a significant deterioration in the material assets in the area that was relevant to environmental impact assessment.

8.10. Interaction of the foregoing

The effects of the proposed development on flora and fauna are closely linked to its effect of water quality, and the implementation of the required mitigation measures with regard to the latter are important to the avoidance of effect upon the former.

8.11. Cumulative impact

The impact of the proposed development would occur in combination that arising from extensive residential and some commercial development on adjacent lands both in Fingal and the city council area on the other side of the railway, including the proposed apartment building for which an application is before the board under PL29N. 248713, Reg. Ref. 3634/16. This combination would not give rise to significant effects other than those which were considered in the EIS and this assessment, as the combined developments are subject to control by development plans and local area plans which were themselves subject to strategic environmental assessment.

8.12. Adequacy of the EIS

The information in the Environmental Impact Statement submitted with the application provided adequate descriptions of the proposed project including its site, design and size and the measures envisaged in order to avoid, reduce and remedy significant adverse effects. It also provided the data required to identify and assess the main effects on the environment, including cumulative effects with the adjacent developments, that are likely to arise from the proposed development apart from the proposed works to the junction on the Grange Road. The EIS included a non-technical summary whose scope and level of detail was appropriate to its function.

Section 3.13 included an outline of the main alternatives considered by the developer and an outline of the main reasons for their proposed choice taking into account the environmental effects. The EIS therefore contained the information required by law. The implications of the amendments to the proposed development at further information stage were properly described and considered in the addendum to the EIS submitted then.

9.0 **Assessment of other issues**

9.1. The other relevant planning issues arising from the proposed development can be addressed under the following headings-

- Policy
- Schools and childcare facilities
- Layout and design
- Residential amenity
- Movement

9.2. **Policy**

9.2.1. The proposed housing and local centre would comply with the residential zoning of the main part of the site under the county development plan, while the constructed wetland would comply with high amenity zoning of its northern protuberance.

9.2.2. The Baldoyle - Stapolin Local Area Plan 2013 provides detailed guidance on the use, amount and built form of development on the appeal site. With regard to use, it requires predominantly residential use over the site with a local service centre beside the train station. The proposed development complies with those provisions of the plan. With regard to quantity, section 4D of the plan designated an area "A" that includes Blocks B, C and D in the proposed development. The plan seeks development there at a density of 38-42 units per hectare to provide a total of 315 units. The proposed development would provide 351 units there, at a density of 47 units per hectare. Block A would provide another 195 units at a density of 108 units per hectare within zone C of the LAP, where densities of over 80 units per hectare are sought. The amount of residential development that is proposed is therefore

slightly above that specified in the local area plan, mainly as a result of providing apartment blocks B1 and B2 just inside zone A that have four storeys over basement parking. Those blocks would be less than 3 minutes' walk from the railway station, so the provision of a greater density of accommodation so close to a public transport corridor is justified with reference to the guidance at section 5.8 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. The proposed quantum of commercial development is limited and would mainly serve the lower order needs of the local residential community, with a café, 4 shops, a small supermarket and a relatively large crèche. This would be in keeping with the provisions of section 4F of the local area plan regarding the first phase of the village centre on the southern side of Stapolin Square.

9.2.3. The entire site occupies growth area 1 identified in section 6 of the development plan. The phasing arrangement proposed by the applicant would result in a coherent progression of development across the site that would avoid long term gaps in the built fabric, with the lower density housing adjoining the existing developments to the east and west of the site being developed first and the apartment buildings in the north west afterwards. The exception to that progression to provide the civic square beside the train station is phase 2, is reasonable. It would also be reasonable to grant permission with an appropriate period of 10 years given the size of the proposed development, and the fact that the site has been zoned for residential development for a substantial period already and a future change in that status is unlikely. The current proposal would therefore comply with the sequencing of development set out in the local area plan.

9.2.4. Having regard to the above, the use, size and phasing of the proposed development are considered to be in keeping with the applicable planning policies. Its built form is considered below.

9.3. **Schools and childcare facilities**

9.3.1. The proposed development includes the provision of childcare facilities, as required by the guidelines to planning authorities on the topic issued in 2001. The planning authority's condition requiring the provision of temporary facilities pending the completion of the village centre in later phases of development appears reasonable and was not appealed by the applicant.

9.3.2. The grounds of appeal refer to the provision of schools in the area as a cause of concern for the residents of previous phases of development there. The provision of schools and the planning system is the subject of a code of practice for planning authorities that was issued by the minister and the minister for education in July 2008. It says that the Department of Education will consult with the planning authorities to allow the latter to identify sites that are needed for schools when development and local area plans are being made. The current Fingal Development Plan has identified such a nearby site for a school, on the Grange Road on the southern edge of the LAP area. The local area plan also identifies an alternative to that site in the northern part of the proposed local centre. Neither location is inside the appeal site, although the alternative one is just to its north. The planning authorities has therefore fulfilled its obligation under the code of practice to identify school sites. While the appeal raised general concerns regarding schools, the grounds would not justify setting aside the duly made provisions of the county development and local area plans in this regard. Section 6 of the code of practice makes it clear that the acquisition of the school sites that have been identified is a function of the Department of Education when the need arises. It would not be reasonable, therefore, to withhold or delay permission for housing and ancillary development on the application site pending that department's decision as to whether or when schools are to be provided on the identified sites.

9.4. **Layout and design**

9.4.1. The layout of the development is largely determined by the local area plan. The functional implications of the proposed layout with regard to movement are considered in section 9.6 below. The submitted proposal complies with plan's requirements for main routes from north to south along Longfield Avenue and another from east to west along Red Arches Road, with secondary routes that would include linear green spaces along Stapolin Avenue and also from the train station with Ireland's Eye as a vista; as well for a civic space and local centre beside the train station and a small park at the Haggard. The proposed buildings would properly address these routes and spaces, with taller buildings facing the proposed square and the main routes to provide proper enclosure and streetscapes, and with the main corners turned by suitably designed elevations to avoid blank gables in

prominent positions. The detailed design of the proposed buildings achieves an acceptable standard, with extensive use of brick finishes. Detailed and acceptable proposals have also been submitted on the treatment of public areas and the landscaping of open areas, particularly for the civic space at Stapolin Square and the park at the Haggard. The layout and design of the square would be similar to that provided on the approaches to the train station from the other side of the railway in the city council area. Perpendicular car parking would occur along most of the streets, but it is interspersed with tree planting every 5 spaces or so which should help to avoid the cars detracting from the appearance of the area. Domestic wheelie bins would be stored in front of most of the terraced houses but if they are kept in their designated storage bays their visual impact should not be excessive. Off street storage areas are proposed for the apartments and commercial units, so proper estate management would avoid the larger bins impinging on the area. It is therefore considered that the proposed layout and design are acceptable and would generally comply with the criteria set out in the Urban Design Manual issued by the minister in May 2009. The proposed development, if properly executed and managed, would provide a coherent and attractive residential environment.

9.5. Residential amenity

- 9.5.1. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in December 2015 contain several specific planning policy requirements with which the proposed 385 apartments must comply. Schedules were submitted to demonstrate compliance with them which were amended in the further information submitted to the planning authority. The schedules are consistent with the drawings.

With regard to the 195 apartments in Block A, all of them would exceed the minimum floor areas specified in the guidelines (45m² for a one-bedroom unit, 73m² for a two-bedroom units and 90m² for a three bedroom unit) by more than 10%, thus meeting the requirements of section 3.3 of the guidelines. 54% of the apartments would have dual aspect, and none of the single aspect apartments would face north. Ceiling heights of 2.7m would be provided for habitable rooms on all floors. The various areas required for particular rooms and balconies in the guidelines would be achieved. From the first to the fourth floor, there would be 6 apartments per core.

There would be 4 apartments per core on the fifth floor. Communal open space would be provided at podium level.

The 104 apartments in Blocks B1 and B2 would all exceed the minimum floor areas by 10%, and would have compliant room sizes and balconies or patios. 52% of them would have dual aspect. 9 of the single aspect apartments would face north.

However these apartments would have adequate compensatory features, including bay windows, an outlook over a green route and a 3m ceiling height for the ground floor units. No more than 6 apartments per floor would be served by a core.

Communal amenity space would be provided between the two apartments at ground floor level.

The rest of the apartments in the development would be in three-storey buildings that occur in the same terraces as houses, often occupying corner plots. They would all exceed the requirement minimum floor areas by at least 10%, would have dual aspect and would have room sizes, ceiling heights, storage spaces and private open space in line with the standards set out in the guidelines. They would also have access to shared open spaces, although in the case of some of the corner units these spaces would be rather small. Adequate internal accommodation and private amenity space would also be provided to the proposed houses. Suitable privacy strips would be provided where habitable rooms occur along street frontage.

The board is therefore advised that the proposed development would comply with the provisions of the guidelines, including its specific policy requirements

- 9.5.2. The grounds of appeal contend that there is an excessive number of 2-bedroom homes in the proposed development while the residents of previous phases of development nearby would seek more three and four bedroom units to cater for families with children. Section 4 of the local area plan requires certain numbers of dwellings, while section 5 describes different dwelling types that would be acceptable. However neither the local area plan nor the county development plan nor the national guidelines are prescriptive with regard to the mix of units provided in any particular scheme, other than to seek an appropriate range of types. The current proposal would provide a range of dwellings types. Given that the site is close to large areas of 20th century suburban development where three bedroom houses predominate, the preponderance of two bedroom homes in the proposed

development is an acceptable element of the proposed mix. It would also be in keeping with the historical trend towards smaller household sizes which appears to have been frustrated recently by a lack of appropriate accommodation rather than by a reversal of social change.

- 9.5.3. The proposed development would provide the public open space within the development that is required by the local area plan, with a civic space by the village centre and train station, a local park at the Haggard and linear green spaces along Stapolin and Ireland's Eye Avenue. The proposed incidental pieces of open space between Blocks C2 and C3 and beside Block B2 would provide useful local amenities. The proposed wetland to the north of the main part site of the site is envisaged by the local area plan as part of the major park at this location on the lands zoned for amenity use in the development plan. Comprehensive planting and landscaping proposals have been submitted for the public areas in the proposed development including the open spaces. The proposed open spaces would therefore provide a sufficient level of amenity for the residents of the proposed development and are acceptable.
- 9.5.4. Section 10 of the EIS and the addendum submitted as further information included a detailed daylight and sunlight analysis which demonstrated that the habitable rooms in the proposed homes would exceed the standards set in BS 8206-02. The conclusions of this analysis are accepted and so the levels daylight and sunlight that would be available in the proposed homes would be acceptable.
- 9.5.5. The proposed development would be located north of the existing homes at Myrtle and to the west of those at Red Arches. The proposed buildings near Myrtle would be three and two storeys high and c20m from the houses opposite. The ones facing Red Arches would be three storeys high nearly 50m from the existing buildings. Some of the houses in proposed Block D would back onto semi-detached houses at Stapolin Lawns with a separation distance of c30m. In these circumstances the proposed development would not unduly overlook, overbear or overshadow existing neighbouring residential properties.

9.6. Movement

- 9.6.1. The grounds of appeal stated concerns regarding the maintenance of access to the train station during the carrying out of the development. The phasing programme submitted by the applicant makes it clear that an alternative access would be provided through the site before the existing access was closed.
- 9.6.2. The appeal also expressed concerns regarding the impact of the proposed development with respect to traffic and parking in neighbouring estates, and the provision of a route through the scheme from the Coast Road to Grange Road. As stated in section 4.6 above, the layout of the development including the extension of the routes from the south and the east that would allow movement through the site are in keeping with the provisions of the duly adopted local area plan. The general concerns expressed in the appeal would not justify setting aside those provisions. Current guidance and standards of road design in cities, as set out in section 3.4.1 of DMURS, does not support the restriction of permeability as a method of protecting the character and safety of urban areas where the roads and streets have been designed as an integrated network with appropriate specifications to control traffic speed.
- 9.6.3. Parking standards are set out in Table 12.8 of the county development plan. They would require a norm of c982 spaces for the proposed homes. 885 would be provided which is c90% of the norm specified for the county. All of the proposed homes would be within walking distance of a train station and a local centre and so would be better served by public transport and local services than most of Fingal. The provision of car parking at 90% of the countywide norm is therefore considered to be more than adequate. The car parking standards would allow a maximum of 59 spaces for the local centre. 53 would be provided. The proposed development also includes bicycle parking spaces to serve the commercial units and various apartment buildings through the site, generally with 1 space per apartment. The terraced houses and own-door apartments would have the facility to park bicycles on the street. The proposed parking provision in the development is therefore considered appropriate to its location and adequate to serve the needs of its residents, although inconsiderate parking behaviour by individuals will always be a concern, regardless of the overall level of parking provided in an area.

- 9.6.4. The submissions from the applicant and the report from the Roads Division of the council described the development as complying with the provisions of DMURS. Its design reflects many of the standards and guidelines set out in that document, including a somewhat permeable layout with tight corner radii, on-street parking, frontage development and tree planting to constrain vehicular speeds. Nevertheless there are several departures from those standards set out below.
- 9.6.5. Some of the blocks are too large. Section 3.3.2 of DMURS states that block dimensions of 60-80m are optimal for pedestrian movement, while dimensions of up to 100m may be used in neighbourhoods and suburbs. The east-west dimension of block C3 and the north-south dimension of block would be more than 130m. These blocks are also larger than those shown in the same location on the indicative layouts in the local area plan. However more significant is the fact that Block A would also extend more than 120m east to west. This would divert pedestrian journeys to the train station from homes to the south within the proposed development and in prior phases, increasing walking distances by c200m. This is a significant impediment, given that proximity to the train station is a central premise on which the local area plan is based. The planning authority suggested at further information stage that a route be provided through the shared open space in Block A. However the applicant resisted providing public access into the communal open space there and proposed a locked gate on this route for which keys could be provided to residents. The issue is complex, as Block A provides the greatest density of residential development and the local centre for the overall development, as well as abutting the railway and the proposed Stapolin Square which has to accommodate the difference in levels between the train station and the public roads. I would not recommend requiring the provision of a pedestrian through this block by a condition whose consequent design implications are unclear. The applicant has already been requested to submit its response to this issue, and it would not justify refusing the current application. The diversion of a direct pedestrian route to the train station may therefore be a practical requirement of an optimal design even if it is not ideal. In these circumstances the proposed block arrangement is considered acceptable.
- 9.6.6. The footpaths are too narrow. Section 4.3 of DMURS recommends a desirable footpath width of 2.5m in areas of low to moderate pedestrian activity, with a

minimum of 1.8m is area low pedestrian activity. For areas of moderate pedestrian activity a minimum width of 3m is recommended. The proposed development provides a standard footpath of width of 2m, although more width is provided beside commercial units. This is not acceptable in a new development at higher density which is based on pedestrian access to local facilities and a train station. The deficiencies in the footpaths can be remedied without altering the layout of the overall development and so should be required by condition.

9.6.7. The carriageways are too wide. Longfield Road would be regarded as a link street under DMURS. All the other streets would be local. Section 4.4.1 of DMURS specifies that the standard lane width on link streets should be 3.25m, possibly rising to 3.5m where frequent access by larger vehicles is required. The proposed lane width on Longfield Road is 3.75m. This defect is not justified. The submissions from the applicant referred to legacy standards for this road and the LAP refers to a width of 7.5m. However the existing road and services on the site are being replaced in the proposed development and the LAP gives no other reason why current standards would not be applied. The transition in the streetscape that would occur as Longfield Avenue crosses Myrtle Avenue would be sufficient to alert road users to the change in carriageway width. The LAP also stated that traffic speeds along Longfield Road should be restricted by curves in the street, but this has been realised in the submitted proposal to a minimal extent only. The rest of the local streets in the development would have carriageways 6m wide, where DMURS requires widths of 5 to 5.5m. This restriction also applies where perpendicular car parking spaces are provided, and the means by which manoeuvring space can be provided without widening the carriageway are set out in section 4.4.9. The excessive carriageway widths can therefore be remedied without significant changes to the layout of the scheme. This should be done by condition. The proposed carriageway width of 6m would be acceptable on Red Arches Road, however, due to its link function and its identification in the local area plan as a possible bus route.

9.6.8. The submitted site plans shows two-way cycle tracks within the green lines along Stapolin Avenue and Ireland's Eye Avenue each 3m wide. This would be in keeping with the provisions of the local area plan and the facilities on the existing part of Stapolin Avenue. The location of the tracks within green space means that they would be likely to function as cycle trails and would have a significant degree of

pedestrian incursion. Given that the street network across the site is also designed to accommodate vulnerable road users this would be acceptable, the proposed cycle tracks provide a useful amenity and additional facility for certain cyclists. There is a gap in the cycle network across the site, in that there is no convenient route that reaches the train station or provides access to the development on the other side of the railway. Section 4B.6 of the local area plan specifies that a ramp would be provided in the second phase of the local centre to connect the bridge over the railway at the train station. In the interim cycle access would be through Stapolin Square. In the current proposal this means cyclists would walk up the pedestrian ramp. Given the quality of the proposed civic space in the square and this would be a reasonable proposal pending the provision of the public transport ramp in a later phase of development. It also mirrors the way cyclists were crossing the civic space on the other side of the railway to go from the city council area to the current site, as observed at the time of inspection.

- 9.6.9. The proposed development includes works to increase the capacity of the signalised junction between Grange Road and Longfield Road. They would provide an extra lane on the Longfield Road approaching that junction, removing one that heads north away from the junction. They would also provide a left turning lane on the Grange Road approaching the junction from the east and move the signals there forward, removing an existing advance stop line for right-turning cyclists. The proposed works have been justified by the applicant and the Roads Division of the council by reference to modelling of vehicular movements, but an elected member has objected to them as they fail to provide a sufficient level of service for cyclists on a route identified for such in the development plan. The proposed works to the junction would diminish the level of service for cyclists travelling east on Grange Road by removing an advanced stop line and introducing another slip lane, but only to a limited extent. However the local area plan sets out a comprehensive set of proposals regarding roads and access that do not include the works to this junction. The details submitted in the course of the application do not address the potential impact of the proposed works on pedestrians and cyclists, nor do they address the role of Grange Road as a main route serving an area much wider than that covered by the LAP, or the implications of the designation of a school site beside the junction. In these circumstances it would not be prudent to authorise the works to the junction

as part of the proposed development. If works are required to this junction, their effects would need to be properly considered by the council before the design was finalised. It would therefore be appropriate that the applicant's contribution to such works was in the form of a special contribution under section 48(c) of the planning act.

10.0 Recommendation

I recommend that permission be granted subject to the conditions set out below.

11.0 Reasons and Considerations

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

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 27th day of March 2017 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in

writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

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

3. The proposed development shall be amended as follows:

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

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

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

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

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

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

- The construction, detailed design and phasing programme for the interface of Block A with Stapolin Square and the interface of square

with the banked area to the north

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

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

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

- 1 resident car parking space for each apartment in Block A and, in the remainder of the development, 1 car parking space for each one- or two-bedroom units and 2 car parking spaces for each unit with three or more bedrooms
- 92 visitor car parking spaces including at least 11 in the undercroft car park in Block A, 5 in the basement below Blocks B1 and B2, 60 spaces in Zone B and 26 spaces in Zone C

- Measures to secure the resident bicycle parking in the car parks in Block A and Blocks B1 and B2, along with details of bicycle parking for visitors to the apartments in those blocks and the local centre at Stapolin Square.

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

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

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

- Materials, colours and textures of all the external finishes to the proposed buildings
- Boundary treatments which shall generally conform to drawings nos. 121 and 117 prepared by Mitchell and Associates that were submitted by the applicant
- Surface treatments throughout the development. The shared surface in the open space to the north of Block C3 shall be adequate to inhibit vehicular movements in favour of pedestrians
- The fence and gates providing resident only access to the proposed pedestrian steps on the southern side of Block A1, which shall be visually permeable and no more than 2m high.
- A 2m high railing with gates around Blocks B1 and B2, with landscaping in front, as required to provide resident only access to the semi-private open space within the block
- The gate and entrance design to control access to the undercroft and basement car parking in Blocks A and B1 and B2 respectively
- A landscaped privacy strip in front of the terrace of apartment no.18 in Block B1.

Reason: In the interests of residential and visual amenity.

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

Reason: In the interests of residential amenity

8. The landscaping of the development, including the protection and removal of existing trees, shall comply with the detailed requirements of the planning authority. In particular -
- A suitably qualified arborist or landscape professional shall supervise works in the Haggard and implement the tree protection measures specified in the application
 - A revised landscape plan shall be agreed with the planning authority under which the size of the under-12s playground in the Haggard shall be increased and the multi-use games area shall be relocated to beside the playground. A skatepark shall also be incorporated in to the play provision in the Haggard.
 - The southern and eastern boundary of the Haggard and those of the playground shall comprise 1.3m high, 200mm diameter solid bar

railings that are hot-dipped, galvanised and powder coated with anti-vandal fixings

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

Reason: In the interests of residential and visual amenity

9. The use of the commercial units in Block A, other than the proposed supermarket, café and crèche, shall be within Class 1, 2 or 10 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001-2015 except that use as a gym, take-away food outlet or betting shop is not authorised. Prior to the occupation of any of the authorised commercial units, the development shall submit detailed designs for their shopfront. Any security shutters shall be located inside the shop windows and no adhesive material or signage shall be affixed to the glazing on the shopfronts. Their hours of operation shall not extend outside 0700 to 2400 and deliveries are not permitted between 2100 and 0700.

Reason: In the interests of visual and residential amenity.

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

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

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health

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

Reason: In the interests of public health

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

Reason: In the interests of residential amenity

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

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

otherwise constitute exempted development.

Reason: In the interests of visual amenity

17. The development shall be carried out on a phased basis in accordance with the proposals submitted with the application. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority. Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase.

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

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction;
 - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works and the maintenance of access to Clongriffin Railway Station at all times
 - (d) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

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

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

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

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

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

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of sustainable waste management

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

line is maintained

Reason: To protect the railway and public safety

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

Reason: To protect the natural heritage of the area

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

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

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

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

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

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and

amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

26. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of works to improve the junction between Grange Road and Longfield Avenue. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning

authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

27. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Stephen J. O'Sullivan
Planning Inspector

31st October 2017