



An  
Bord  
Pleanála

## Inspector's Report PL06F.249188

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<b>Development</b>	103 residential units, neighbourhood centre and associated works.
<b>Location</b>	Clonsilla Road/Clonsilla Link Road, 'Portersgate', Clonsilla, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW16A/0176
<b>Applicant(s)</b>	La Vista Ltd & E Lynam Properties Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Applicant V Conditions/Third Party V Grant
<b>Appellant(s)</b>	(1) Nebil Campbell-Shaw (2) La Vista Ltd & E Lynam Properties Ltd
<b>Observer(s)</b>	(1) Garry O'Connor & others (2) Portersgate Residents Association.
<b>Date of Site Inspection</b>	16 <sup>th</sup> December 2017
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

- 1.1. The application site is irregularly shaped, has a stated area of 3.18ha and is bounded by Clonsilla Link Road to the east and Clonsilla Road to the south and Portersgate housing development to the west. In the extreme southwest the site adjoins the grounds of St Marys Church of Ireland church and its attendant churchyard and parking. The site is flat and in rough pasture. There is a security fence separating it from Clonsilla Link Road and this fence runs east from the junction with Clonsilla Road for a short distance from where the roadside boundary is defined by a mature hedge of native shrubs/trees. The western boundary comprises two-meter-high walls where it abuts the house plots of the houses in Portersgate Avenue, Portersgate Court and Portersgate Grove. The boundary with the end of Portersgate Heights is defined by a security fence. The boundary along the grounds of St Mary's Church is heavily vegetated with trees and shrubs and a rubble stone wall divides this area of the application site from the church yard/cemetery.
- 1.2. On the east side of Clonsilla Link Road is public open space associated with the large housing development, Castlefield and the boundary wall of that development. Clonsilla Link Road connects Clonsilla Road at its southern end with the R843 to the north which, in turn, links Blanchardstown to Ongar. Clonsilla Link Road has footpaths and cycle paths on both sides and a light controlled junction with Clonsilla Road at the application site's south-eastern corner.
- 1.3. Clonsilla Road links Clonsilla village in the east to Clonsilla railway station to the west of the site. The railway provides commuter services to Longford, Maynooth, Dublin Connolly and Dublin Pearse. Clonsilla Road has footpaths on both sides, public lighting and a speed limit of 50kph applies.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 103 residential units, neighbourhood centre and associated works at Clonsilla Road/Clonsilla Link Road, 'Portersgate', Clonsilla, Dublin 15.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission subject to 33 conditions. Condition number 2 required amendments to the layout/provision of public open space, condition number 3 reduced the number of residential units and limited the use of the commercial units, condition 31 required a contribution of €377,103 in lieu of public open space provision.

The appealed conditions are as follows;

(2) Prior to the commencement of development the applicants shall submit for the written agreement of the Planning Authority:

- 1) A revised site layout plan with units 61 – 66 inclusive and associated road omitted and this area shall be redesigned to provide a larger Public Open Space 1. At this location 1 or 2 no. dwelling units may be provided which are orientated to address the revised open space 1 area and reduce the length of 2m high boundary walls to the open space as a result of omitting units 61 – 66. A high quantum of tree planting shall be provided along the boundary walls in this location.
- 2) A revised site layout plan with units 1 & 2 omitted, this area shall form part of the Public Open Space and unit 3 shall be re-designed to suitably address the revised Public Open Space area.
- 3) The attenuation area located in Public Open Space 2 shall be relocated to under storage under the car park associated with the apartments and incorporated into any management agreement for that area.
- 4) A revised landscape plan and playground plan with the playground divided into two playgrounds, one in Public Open Space 1 and one in Public Open Space 2. Details of the play equipment shall be provided.

- 5) Parking spaces no. 16, 19 and 20 shall be omitted and revised car parking layout shall be submitted with car parking spaces no. 42-52 inclusive on the southern boundary relocated in a northerly direction and the bin and bicycle storage relocated within the revised layout.
- 6) A revised landscape plan with a heavily planted landscaped buffer along the full extent of the southern boundary of the site and a defined boundary of a bow top railing with hedging delineating the public open space and the private open space associated with the apartment block. The delineated public open space shall commence 10m from the southwestern corner of the apartment block.
- 7) A revised site layout plan and landscape plan with unit numbers 50 – 60 inclusive moved in a northerly direction and the provision for street trees within construction tree pits.
- 8) A revised southern elevation of the commercial unit with additional architectural detailing.
- 9) A revised boundary treatment plan.
- 10) A revised site layout plan with the confirmed location of the ESB substation.
- 11) Tree protection details.

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

(3) (1) This permission authorises 94 – 96 no. residential units (as per agreed under condition 2 (i) above), 2 storey commercial unit comprising of a retail convenience food store including off licence and offices, 1 no. café and 1 no. retail unit, with associated infrastructure, parking, public open spaces, public art, footpaths, cycle paths, landscaping, street trees and boundary treatment.

(2) The retail unit shall be confined to Class 1 of 4, Schedule 2 of the Planning and Development Regulations 2001-2015. Any change of use shall require a separate grant of planning permission

(3) No hot food take-aways, bookmakers or totems signs shall be permitted as part of this permission.

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

(31) That a financial contribution in the sum of €377,103.00 to be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal Development Plan based on a shortfall in Public Open Space of 6,425 sqm within the proposed development.

**Reason:** To achieve the Public Open Space Objectives of the Development Plan and in the interest of the proper planning and development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The planner's report recommended a grant of permission as set out in the manager's order.

### 3.2.2. Other Technical Reports

The **Archaeological Report** recommended archaeological monitoring of the development works.

The **Architects Department** reported (20<sup>th</sup> January 2017) that there were concerns regarding potential impacts on the archaeology of St Mary's Church, the potential visual impacts on the church of the proximity of the proposed houses and loss of trees along the site boundaries.

The **Transport Planning Section** initially recommended seeking additional information in relation to a deficit of parking space for the apartment block, a parking deficit for the commercial units, provision should be made for pedestrian permeability to the Portersgate Heights estate and subsequently (see report dated 2<sup>nd</sup> August 2017) recommended a grant of permission with conditions.

The **Department of Culture, Heritage and the Gaeltacht** raised concerns in relation to bat and badger populations in the area.

The **Parks Planning Section** sought additional information and in a second report (see report dated 7<sup>th</sup> September 2017) repeated its concerns in relation to open space layouts and SuDS.

**Water Services** section recorded no objection subject to conditions.

### 3.3. **Prescribed Bodies**

Irish Water sought further information (report dated 27<sup>th</sup> January 2017) and subsequently reported no objection subject to conditions.

### 3.4. **Third Party Observations**

3.5. Ruth Coppinger TD and others made a submission to the planning authority stating that the rear access laneways would pose a security risk to the houses in Portersgate estate, that the retail store was excessive given the number of retail uses in the immediate area and that the proposed development would give rise to additional traffic congestion and exacerbate on-street parking.

3.6. A number of other submissions were received highlighting the impacts on houses in Portersgate estate, traffic, parking, loss of trees.

## 4.0 **Planning History**

Permission was granted on appeal in March 2010 for 176 residential units and 5 retail units on the current site under **PL06F.235260**.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The Fingal County Development Plan 2017 to 2023 is the relevant county development plan for the area.

- 5.2. The site has two zonings; the northern triangle within the site is zoned “RS” - Provide for residential development and protect and improve the residential amenity. The more irregularly shaped part along Clonsilla Road is zoned “TC” - Protect and enhance the special physical and social character of town and district centres and provide and or improve urban facilities.
- 5.3. The site is subject to a specific objective set out in appendix 6 of the Plan which requires that “housing built on this site will be of a height and density appropriate to a village setting and in keeping with existing housing in the core Clonsilla Village area and to a maximum of three storeys”.
- 5.4. There is a mapped objective to provide a bicycle path which would link the Clonsilla rail station to the west of the site, along the northern side of Clonsilla Road to the existing bicycle path on Clonsilla Link Road along the eastern edge of the site.

#### 5.5. **Natural Heritage Designations**

See AA section below.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

- The proposed development will exacerbate traffic congestion on the Clonsilla Road/Clonsilla Link Road/Castlefield Court road network/junctions especially at school times. There is no recent survey of traffic patterns on these roads.
- Commercial development is out of character with the area and will detract from Clonsilla village.
- The application is deficient in not providing an environmental impact assessment of the effects on the trees and hedgerows in the site.
- The applicant appealed conditions 2, 3 and 31.
- Condition 2 omits proposed units 1 and 2 and 61-66 inclusive and requires the resulting area be given over to public open space. The effect of condition 2 is to require 25% of the site be given over to public open space which is excessive and double the 10% required in the Development Plan.



- Condition 3 authorises 94-96 residential uses, a two storey commercial unit comprising a retail convenience foodstore including off-licence and offices, 1 cafe, 1 retail units with associated infrastructure, parking, open space, public art, footpaths, cycle paths, landscaping, street trees and boundary treatment. limits the use of the commercial units to use for financial services, professional services and other uses when the services are provided principally to visiting members of the public.
- The levy for the shortfall in public open space is overstated in condition 31.

## 6.2. Applicant Response

- The proposed development is within 300m of Clonsilla Train Station and two bus routes.
- The site is zoned for residential use in its northern element and town centre uses along Clonsilla Road. Therefore, the proposed development complies with the County Development Plan.
- The proposed development complies with the Clonsilla Urban Centre Strategy (2008) in that it creates an identifiable village core with appropriate office/residential/retail uses. The proposed development includes a cycle track along Clonsilla Road in compliance with the Clonsilla Urban Centre Strategy.
- It is proposed to remove 84 trees; of these 53 are poor quality and close to the end of their lives, only 9 are of moderate quality, no high quality trees will be removed. Landscaping proposals will replace many of the lost trees.

## 6.3. Planning Authority Response

- The planning authority commented that the contribution in lieu of the short fall in public open space was correctly calculated. There is a deficiency in the provision of SuDS within the development.

## 6.4. Observations

- Gary & Judy O'Connor and others in Portersgate Heights made a submission stating that a pedestrian access from Portersgate Heights would encourage

children to access the busy Clonsilla Link Road and encourage antisocial activity.

- Portersgate Residents Association (John Dungan) made a submission opposing the opening of an access from Portersgate Heights to the proposed development and the removal of trees along the Clonsilla Road site boundary.

## 6.5. Further Responses

6.6. Nebil Campbell Shaw responded to the applicant's appeal stating that the proposed development would negatively impact on road safety in the area and would lead to the unnecessary loss of trees.

## 7.0 Assessment

### 7.1. Pedestrian Link with Portersgate Heights

7.2. Residents within Portersgate Heights made an observation that the creation of a link from Portersgate Heights at the northern end of the application site would facilitate children wandering onto Clonsilla Link Road and antisocial behaviour in the area.

7.3. The original site layout submitted with the application did not propose such a connection. The first Transport Planning Section report (dated 23 January 2017) raised the issue of permeability between the adjoining development in Portersgate and the proposed development. The revised site plan submitted on the 17<sup>th</sup> July 2017 provided for a pedestrian access by way of a continuation of the footpath along the southern side of Portersgate Heights at number 41 to the application site.

7.4. The Sustainable Urban Housing Guidelines for Planning Authorities make the point (see section 3.14) that connectivity and permeability are key indicators of quality in residential areas and that convenient access to community and commercial facilities should be accessible to everyone. The southern end of the application site is zoned to provide town centre facilities. The pedestrian access from Portersgate Heights would allow residents in the northern end of the Portersgate development to access Clonsilla Link Road and the future community and commercial facilities within the current application site without having to access Clonsilla Road to the west of Clonsilla railway station and then travel east along Clonsilla Road. Notwithstanding

the concerns of the residents I conclude that a pedestrian access should be provided as amended by condition 2 set out below.

7.5. The planning authority's reports question the utility of this small piece of public open space located at the northern extremity of the application site. I understand this point and include condition number 2 in the draft order below addressing it.

7.6. **Condition 2**

7.7. The applicant appealed against condition 2 which, *inter alia*, omits units 61, 62, 63, 64, 65 and 66 in the centre of the site and turns the area over to public open space. Additionally, units 1 and 2 in the extreme south western corner of the site are omitted. The location of these units are best illustrated on the amended layout drawing PL-102 Revision PL02 submitted to the planning authority on the 17<sup>th</sup> July 2017. The two principal considerations in relation to the reduction in the number of units is the matter of density on zoned and serviced lands and the necessity to increase the quantum of open space within the proposed development.

7.8. The first consideration is density. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (May 2009) makes the point that minimum net residential densities on sites within 500m walking distance of a bus stop and 1km with of a rail station should be 50 units. It is an objective (PM41) of the County Development Plan to encourage increased residential densities at appropriate locations while ensuring that the amenity of existing and future residents is not compromised. The proposed density is 46 units per ha which is already below the minimum advised by national and local policy. The applicant's appeal makes the point that omitting 6 to 8 houses will unacceptably reduce the density and result in 25% of the site being given over to public open space.

7.9. The second consideration is the availability of public open space to serve the amenity needs of future residents. There is a 0.7ha parcel of public open space attached to the Castlefield housing development on the opposite side of Clonsilla Link Road. There is further public opens space in the Portersgate development and a linear park on the opposite side of the Portersgate development which is accessible from the western end of Portersgate Heights. I conclude that having regard to the proposed open space provision set out in the application, the availability of significant parcels of public open space in the immediate area of the

site and the location of the site close to good transport links that it is not necessary in the interests of amenity to omit proposed houses numbers 61, 62, 63, 64, 65 and 66.

- 7.10. The planning authority required the omission of houses 1 and 2. In this instance there is a significant concentration of trees and shrubs in this area of the site which contribute significantly to the setting of St Marys Church (a protected structure) and its attached graveyard. The proposed houses are about 25m from the closest point of the church and the point is made in the planning authority's reports that the church is within a medieval enclosure which requires recognition of its setting. The point is made by the applicant that not all trees on site are worthy of preservation. I note in this context the Archaeological Assessment (see Archer Heritage Planning report submitted 17<sup>th</sup> July 2017) submitted as further information which provides a description of the archaeological heritage in the area, records the test trenches excavated in the southwestern corner of the site closest to St Marys Church and concludes that no archeologically significant remains were discovered. Nonetheless the report records as limitations on the assessment the hampering of test trenches by trees/dense undergrowth and concludes that there is potential for archaeological remains to exist in this area of the application site. The planning authority's archaeologist reported general satisfaction with this assessment (see report dated 10/8/2017). Having regard to the set back from the boundary wall of the church and churchyard, the inclusion in the landscaping assessment of measures to protect and retain healthy trees and provide for additional planting and subject to archaeological supervision of the proposed development works I conclude that it is unnecessary to omit housing units 1 and 2. Condition 17 in the draft order set out below deals with archaeological impact.
- 7.11. The applicant as part of the first party appeal included a revised site layout drawing (PL-102 Revision PL03) which reduced the number of houses from 66 in the further information submission to the planning authority to 64 in the submission to the Board by reconfiguring the public open space north of houses 61 to 66. For clarity I recommend that the Board's decision refers to the plans and particulars submitted to the planning authority only.

7.12. **Condition 3**

7.13. I recommend that this condition 3(i) is unnecessary if the Board accepts my recommendation in relation to condition 2.

7.14. In relation to the restriction on the use of the proposed “retail unit” to use as a shop as set out in condition 3(ii) given the town centre zoning of the site and the details set out in the application I conclude that this condition is unnecessary.

7.15. **Condition 31**

7.16. Condition number 31 is as follows;

“That a financial contribution in the sum of €377,103.00 to be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the Fingal Development Plan based on a shortfall in Public Open Space of 6,425 sqm within the proposed development”.

**Reason:** To achieve the Public Open Space Objectives of the Development Plan and in the interest of the proper planning and development of the area.

7.17. Objective PMN25 requires public open space be provided at a rate of 2.5ha per 1000 population. Three or more bedroom houses are reckoned to accommodate 3.5 persons and one and two units accommodate 1.5 persons. There are 288 bed spaces in the proposed development and the open space requirement is therefore 0.72ha (2.5hs/1000x288). The planning authority calculates that there is a shortfall in public open space provision of 6,425m<sup>2</sup> and they impose condition 31 requiring an additional contribution in accordance with objective PM53 which states that where there is a shortfall in public open space a separate contribution may be required. Relying on the site layout plan submitted the open space provision is about 4,250m<sup>2</sup> which exceeds the minimum 10% open space (3,180m<sup>2</sup>) required in the County Development Plan (see paragraph 3.5 ‘Quantity’).

7.18. A further point arises in relation to conditions requiring a contribution for a shortfall in public open space. The adopted Fingal Development Contribution Scheme (copy attached) already includes as part of its overall calculation of the projected costs of the provision public infrastructural development a figure of €17.51 per m<sup>2</sup> of

residential development for “Community Parks and Facilities” and this figure is included in condition 33 of the decision to grant permission and has not been appealed by the applicant. Additionally, the Development Contributions Guidelines for Planning Authorities (DoECLG 2013) makes the point that “development contributions provide the only statutory mechanism for capturing planning gain as part of the development management process. There are three types of development contribution scheme...” and the Guidelines go on to detail general development contributions schemes, special development contributions and supplementary development contribution schemes. The only mechanism open to the planning authority within the statutory framework is to apply a special contribution scheme but this would require identifying specific significant exceptional costs not covered by the general scheme and these specific works should be specified in the condition.

7.19. I note the planning authority’s submission received by the Board on the 16<sup>th</sup> November 2017. The submission makes the case that condition 31 is imposed under the Fingal Development Contribution Scheme. However, condition 33 is also imposed under the scheme and there is, therefore, an element of double accounting in the planning authority’s decision. Having regard to the provision for public open space being made in the application and the inclusion of a section 48 contribution condition in accordance with the adopted general development contribution scheme I recommend removing condition 31.

**7.20. Character of the Area**

7.21. The appeal makes the point that the proposed commercial development element of the application is out of character with the area and will detract from Clonsilla village.

7.22. Most of the commercial development in Clonsilla is located to the east of the application site at the junction of Sherelin Road and Clonsilla Road but the retail offer here is limited and room for expansion is limited, principally, because of road layout and paucity of commercial road frontage. It is an objective of the planning authority set out in the County Development Plan to provide a commercial/retail core for Clonsilla on that element of the application site along Clonsilla Road that is zoned for town centre development. I consider that given the site’s proximity to bus and rail links and to substantial new and proposed housing in the immediate area of the

lands zoned 'town centre' that this objective is reasonable and I conclude that the proposed development will not be out of character with the area.

**7.23. Apartment Units.**

The apartments comply with the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments (DoECLG 2015).

**7.24. Surface Water Attenuation**

7.25. The planning authority have referred to this matter in its submission in reply to the applicant's appeal. I consider that the public open space proposed on site is sufficient to serve the public open space requirements of the future residents of the development and to accommodate adequate surface water attenuation. This matter is addressed in draft condition number 4 below.

**7.26. Landscaping.**

7.27. The appeal makes the point that the application has not properly assessed impacts on the trees on site of the proposed development.

7.28. The application included an assessment of the trees on site and following a request for further information additional material was submitted including an arboriculture report (The Tree File Consulting Arborists), a tree constraints plan (drawing title Clonsilla TCP -07-17), a tree impact assessment plan (drawing title Clonsilla AIA-07-17) and a tree protection plan (drawing title Clonsilla TPP-07-17). The majority of trees, notably these along the boundary with the houses in Portersgate, along the boundary with the grounds of St Mary's Church and along Clonsilla Road will be removed. The reasons advanced by the applicant are to do with providing the cycle path along Clonsilla Road, facilitation of the development works and the age and poor state of health of the trees to be removed. The second Parks Department report accepts the generally poor quality of trees on site and seeks an improved replacement tree planting scheme by way of a condition.

7.29. I conclude on the basis of my site inspection and the material submitted in relation to the application and appeal that a proper assessment of the impact on the trees on site has been carried out and I recommend addressing the matter by way of conditions as set out in the draft order below.

**7.30. Road safety.**

7.31. The appeal makes the case that there is already peak time traffic congestion on the Clonsilla Road and Clonsilla Link Road and that the proposed development will exacerbate this congestion and in particular in the area of Castlefield Court.

7.32. There are two accesses to Castlefield; one from Clonsilla Link Road and another from Clonsilla Road to the south. There will be a new access onto Clonsilla Link Road from the proposed new development directly opposite an existing entrance to the Castlefield development and this will serve both the retail and residential uses. The application included a traffic impact assessment which concluded that the road network in the area will accommodate the predicted vehicular traffic from the proposed development. It may be noted in this context that there are two bus routes serving the site and the Clonsilla rail station providing a commuter link east to Dublin and west to Maynooth.

7.33. The planning authority's Transport Planning section noted that the speed limit on the local road network is 50kph and while critical of certain aspects of the proposed development expressed no objection to the proposed development from a traffic safety/road network capacity perspective.

7.34. Having regard to the standard of the road network in the area, the availability of public transport links, the relatively modest scale of the proposed development, the material submitted with the application and appeal, and the reports of the planning authority I conclude that the proposed development will not endanger public safety by reason of traffic hazard or congestion.

**7.35. Wildlife Protection**

7.36. The Department of Culture, Heritage and the Gaeltacht made a submission stating that the proposed development has the potential to damage populations of bats and badgers. The planning authority included a condition in its decision to grant permission requiring the developer to carry out further study of the site in relation to this matter. I have set out condition number 3 dealing with this matter in the draft order below.



### **7.37. Appropriate Assessment Screening**

7.38. The application included an AA screening report. Section 2.2 of the report identified two European sites within 15kms of the application site; the Rye Water Valley/Carton SAC (001398) and the South Dublin Bay and River Tolka Estuary SPA (004024).

The report sets out the conservation interests for which these site have been designated and the conservation objectives listed by the NPWS.

7.39. The report notes that the proposed development is not within any Natura 2000 site. Foul water will discharge to a foul drainage system and surface water will drain to the surface water system following attenuation. The main potential risk factor is runoff during construction phase and this will be mitigated against by collection and treatment in accordance with the principles of SuDS and the requirements of the planning authority. The report concludes that there will be no significant direct or indirect impacts for any Natura 2000 site arising from the proposed development.

7.40. Having regard to the zoning of the site for residential and town centre development, to the availability of public piped services including water and sewerage, to the nature of foreseeable emissions from the proposed development, to the patterns of development in the area and the separation distance between the application site and any Natura 2000 site it is reasonable to conclude, on the basis of the information available which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Rye Water Valley/Carton SAC (001398) or the South Dublin Bay and River Tolka Estuary SPA (004024) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

8.1. Having regard to the foregoing I recommend a grant of planning permission for the reasons and considerations and subject to the conditions set out below.

## 9.0 Reasons and Considerations

Having regard to;

- a) the zoning of the site for residential and town centre development in the Fingal County Development Plan 2017 to 2023,
- b) to the planning history of the site,
- c) to the pattern of development in the area, including residential development,
- d) to the proximity of the site to public transport infrastructure, and,
- e) subject to compliance with the conditions set out below

it is considered that the proposed development would accord with the provisions of the current Fingal County Development Plan, would not endanger public safety by reason of traffic hazard, would not injure the residential or visual amenity of property in the vicinity and would, therefore, accord with the proper planning and sustainable development of the area.

## 10.0 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 lodged with the planning authority on the 17th day of July 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. Prior to commencement of development the developer shall submit to and agree in writing with the planning authority;
  - (a) details of the proposed access from Portersgate Heights to the public

open space at the northern apex of the application site,

(b) details of a childproof boundary treatment between the public open space and Clonsilla Link Road.

**Reason:** In the interest of residential amenity and public safety.

3. Trees to be removed on site shall be felled in late summer or autumn. Any disturbance to bats or badger setts on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.

**Reason:** In the interest of nature conservation.

4. 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.

5. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

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

6. No walls, fences or other boundary treatment shall be constructed around the front gardens of the proposed dwellings, and front gardens shall be kept as "open plan".

**Reason:** To ensure that the proposed scheme remains open plan in nature/appearance, in the interest of visual amenity.

7. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

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

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

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

10. No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

12. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

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

13. Details of the materials, colours and textures of all the external finishes within the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. 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.

15. Public lighting shall be provided in accordance with a scheme 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. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the

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

**Reason:** In the interests of urban legibility.

17. 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.

18. Provision shall be made for a cycleway along the Clonsilla Road within the development. Details of such provision, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

19. The areas of public open space shown on the lodged plans shall be

reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

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

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

22. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

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

23. 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.

24. 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.



25. The developer shall pay to the planning authority a financial contribution in respect of Clonsilla to Dunboyne (pace) railway line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

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Hugh Mannion  
Senior Planning Inspector

4<sup>th</sup> January 2018