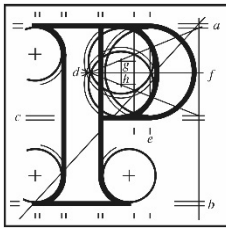


Newtown South, Ballindine, Co Mayo.



**An  
Bord  
Pleanála**

## **Inspector's Report PL06F.249206.**

---

<b>Development</b>	151 no. residential units, link road, crèche and associated works.
<b>Location</b>	New Road, Ballisk, Donabate, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	F17A/0373.
<b>Applicant(s)</b>	Tilberry Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Alain &amp; Andrew Rochecouste.</li><li>2. John Lovett.</li><li>3. The Links Residents Association.</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Stuart Avent.</li><li>2. Amanda Callaghan.</li><li>3. Clare Daly.</li><li>4. Paul Mulville.</li><li>5. David Fletcher &amp; Others.</li></ol>

**Date of Site Inspection**

27<sup>th</sup> November 2017.

**Inspector**

Karen Kenny.

# Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	7
3.3. Prescribed Bodies .....	8
3.4. Third Party Observations .....	8
4.0 Planning History.....	9
5.0 Policy Context.....	10
5.1. Regional Planning Guidelines (RPGs) .....	10
5.2. Sustainable Residential Development in Urban Areas, DECLG 2009.....	10
5.3. Development Plan.....	11
5.4. Donabate Local Area Plan 2016 .....	13
5.5. Natural Heritage Designations .....	13
6.0 The Appeal .....	13
6.1. Grounds of Appeal .....	13
6.2. Applicant Response .....	16
6.3. Planning Authority Response.....	20
6.4. Observations.....	21
6.5. Further Responses.....	21
7.0 Assessment.....	21
7.2. Compliance with Planning Policy .....	22
7.3. Density and Design – New Issues.....	23
7.4. Link Road.....	26

7.5. Traffic Impacts.....	27
7.6. Impact on Residential Amenity.....	29
7.7. Wastewater .....	30
7.8. Other Issues.....	29
8.0 Appropriate Assessment.....	31
9.0 Recommendation.....	33
10.0 Reasons and Considerations .....	33

## 1.0 Site Location and Description

- 1.1. Donabate is located in north Dublin on a peninsula between the Rogerstown Estuary to the north and the Broadmeadow Estuary to the south. Access to Donabate is primarily via the R126 which runs eastwards from the junction of the M1 and the R132 (former N1). There is also a local road "Turvey Avenue" from the R132 (former N1) to Donabate village. Donabate is also served by the Dublin Belfast railway line with a rail station located in the centre of the village.
- 1.2. The appeal site is located on the eastern outskirts of Donabate to the north of New Road / Balcarrick Road, a local road that extends eastward from Donabate village to Donabate Beech. The site is rectangular in shape with approximately 200 metres road frontage onto New Road / Balcarrick Road. It is a relatively flat open field with hedgerow on all boundaries and overhead lines traverse the central area of the site (including the line of the proposed link road). St. Patrick's Terrace a development of single storey cottages bounds the site to the west and there are a number of dwellings fronting onto New Road at the south western end of the site. Lands directly to the north, east and south are undeveloped.
- 1.3. The site location map details landownership in red and blue, showing an area of c. 1.2 hectares in the applicant's ownership and the remainder of the site is in the ownership of Fingal County Council. The public road to the front and a strip of land to the north is included within the site boundary.

## 2.0 Proposed Development

- 2.1. Permission is sought for a residential development comprising 151 no. dwellings, 1 no. childcare facility and a link road on site area of 4.917 hectares. The proposed development includes the following:
  - 61 no. two to two and a half storey terrace, semi-detached and detached dwellings (2 and 3 bed),
  - 90 no. three storey duplex dwellings (2 bed),
  - 1 no. two storey crèche,

- A local access road from New Road / Balcarrick Road to an existing local access road serving 'The Links' housing estate,
- A temporary foul pumping station, and
- All associated works.

2.2. The application is accompanied by the following documents:

- Masterplan.
- Urban Design Statement.
- Archaeological Assessment.
- Flood Risk Assessment.
- Planning Supporting Statement.
- Arboricultural Assessment (Tree Survey).
- Screening Report for Appropriate Assessment.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. Grant permission, subject to 31 no. conditions. The following conditions are of note:

Condition no. 4: Revised plans to be submitted to address overlooking (House Type D), storage requirements (Duplex Type E) and balcony depths.

Condition no. 5: Revised plans to be submitted detailing revised access arrangements to units along New Road.

Condition no. 6: Plans to be submitted for written agreement detailing 2 no. in curtilage car parking spaces per dwelling, revised parking for crèche and details of sightlines onto New Road.

Condition no. 7: Link Road from New Road to the Portrane Road shall not be operational in advance of the completion and operation of the Donabate Distributor Road.

- Condition no. 16: Archaeologist to carry out pre-development testing.
- Condition no. 18: Provision of a suitable piece of public art.
- Condition no. 28: Hours of operation restricted to 8.00 am to 7.00 pm Monday to Friday and 8.00 to 2.00 pm on Saturdays.
- Condition no. 29: Tree protection plan required, revised design proposals for open space to the south west of unit no. 20 and details of detention basin.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Officers Report reflects the decision to grant permission and can be summarised as follows:

- Report references a range of provisions of the Fingal County Development Plan 2017-2023, and states that the proposed development is in accordance with the 'RS' zoning objective.
- The site is outside of the Donabate Local Area Plan (LAP) 2016 area.
- A link road is provided from New Road to Portrane Road, via The Links housing development and is considered to be in accordance with the Donabate LAP.
- The density at 30.7 units per hectare is lower than expected norms. The Donabate LAP targets an overall density of residential development of approximately 35 dwellings per hectare in the LAP lands.
- Shortfalls in relation to storage space and balcony depth standards set out in Development Plan / Apartment Guidelines can be addressed by condition.
- Car parking spaces along New Road should not be directly accessed from New Road. Units 92-95 and 140-140 should be set back from the road edge and an internal access road provided parallel to the carriage way, behind a landscaped buffer. This can be addressed by condition.
- Issues raised in report of Transportation Section in relation to insufficient car parking and sightlines onto New Road can be addressed by condition.

- The proposed development whilst not part of the Donabate LAP does allow for the development of housing in accordance with the requirements of the LAP and the Fingal Development Plan. The proposed development of 151 units will provide for a suitable mix of house types with high quality private amenity space on site to serve the development. The development does not prejudice the development of adjoining lands in accordance with the LAP or the development of the Donabate Distributor Road.

### 3.2.2. Other Technical Reports

Transportation: Further information sought in relation to car parking and sightlines.

Parks Section: Further information sought in relation to the protection of trees and hedgerows, public open space and play provision.

Housing Department: No objection.

### 3.3. Prescribed Bodies

DCHG: No objection.

Irish Water: No objection.

### 3.4. Third Party Observations

3.4.1. A total of 133 no. third party submissions were received and considered by the Planning Authority. The issues raised in observations that are additional to the issues raised in the grounds of appeal can be summarised as follows:

- Inadequacy of car parking.
- Need for improved links / footpaths to village.
- Social housing should be limited to 10% of the development.
- Need to demonstrate provision of cycleways and walkways within the development.
- Impact of height and design of housing.



- Need for EIS.
- Limited train service to Donabate - only eight morning trains and four evening trains serving Donabate.

## 4.0 Planning History

4.1.1. Details of the planning history associated with the site is summarised below:

**Reg. Ref. F05A/1063:** Application for   95 no. dwellings (houses and duplex units) on lands adjoining the appeal site to the east. No response to request for further information.

**Reg. Ref. F05A/0438:** Application for 61 dwellings (houses and apartments) and 1 commercial unit on a site of 1.188 hectares within the appeal site. Permission was refused by the Planning Authority for three reasons relating to:

1. Prematurity pending the adoption of a Local Area Plan for Donabate.
2. Prematurity pending the determination of road proposal connecting Hearse Road, south east of Donabate to the townlands of Ballalease North and Ballymaston.
3. Prematurity pending the provision of adequate foul sewerage facilities to serve the development.

**Reg. Ref. F04A/1192:** Application for 61 no. dwellings (houses and apartments) and 1 no. commercial unit on a site of 1.188 hectares within the appeal site. Application Withdrawn.

**F96A/1031:** Application for caravanning and camping park on the appeal site. Application withdrawn.

4.1.2. Other Significant Planning Consents in the Area:

**Ref. PL06F.KA0018 / PL06F.HA0031:** Phase 1 of the Donabate Distributor Road to include approximately 4 km of road and the construction of a new bridge over the Dublin to Belfast rail line. An Board Pleanála granted permission for the development and CPO in July 2011. The line of the approved Distributor Road is to the east of the appeal site.

**Ref. PL06F.PA0037:** SID application for National Forensic Mental Health Services Hospital on lands at St. Ita's Demesne to the north east of the appeal site. An Board Pleanála granted permission for the development in May 2015.

## **5.0 Policy Context**

### **5.1. Regional Planning Guidelines (RPGs) for the Greater Dublin Area 2010-2022**

The Regional Settlement Hierarchy contained in the RPGs designate Donabate as a Moderate Sustainable Growth Town in the Metropolitan Area. Moderate Sustainable Growth Towns are described as strong edge of metropolitan area district service centres, with high quality linkages and increased densities at nodes on public transport corridors. The RGP states that these settlements will continue to have a strong role as commuter locations within the fabric of continued consolidation of the metropolitan area and that growth and expansion is based on and related to the capacity of high quality public transport connections and the capacity of social infrastructure.

### **5.2. Sustainable Residential Development in Urban Areas, DECLG 2009.**

The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, set out density standards for residential development across a range of settlement types and areas. Density guidance in relation to settlements with a population in excess of 5,000 persons such as Donabate, is set out in Chapter 5 "Cities and Larger Towns". The guidelines recommend increased densities within 1 kilometre of a rail station. In general, minimum net densities of 50 dwellings per hectare are recommended within public transport corridors, subject to appropriate design and amenity standards. On outer suburban / greenfield sites the guidelines recommend net residential densities in the general range of 35 to 50 dwellings per hectare and state that net densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency.

### 5.3. Development Plan

The Fingal County Development Plan 2017-2023 is the relevant statutory plan. The Core Strategy of the Development Plan identifies Donabate as a Moderate Sustainable Growth Town in the Metropolitan Area reflecting its designation under the RPGs. The following objectives of the Development Plan are considered to be relevant:

- The site, excluding the proposed link road, is zoned “RS - Residential” with an objective to *‘provide for residential development and protect and improve residential amenity’*. The proposed link road to the north is zoned “RA - Residential Area” with an objective to *“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure”*. Residential development is acceptable in principle under both land use zonings.
- Strategic Policy 6: Consolidate development and protect the unique identities of the settlements of Howth, Sutton, Baldoyle, Portmarnock, Malahide, Donabate, Lusk, Rush and Skerries.
- Objective SS17: Manage the development and growth of Malahide and Donabate in a planned manner linked to the capacity of local infrastructure to support new development of the area and taking account of the ecological sensitivity of qualifying features of nearby European Sites.
- Chapter 3 Placemaking – Chapter 3 sets out Design Criteria for Residential Development including mix of dwellings, density and open space provision.
- Section 3.4: In determining densities, regard should be given to *Sustainable Residential Development in Urban Areas (2009)* and its companion document *Urban Design Manual*. The Council promotes higher densities at suitable locations such as along public transport corridors and in main town centres.
- PM41: Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

- Chapter 4 Urban Fingal: The development strategy for Donabate seeks to protect and enhance the natural amenities and heritage of the Peninsula by consolidating future development within well-defined town boundaries.
- Objective Donabate 10: Prepare and / or implement a Local Area Plan for Donabate providing for the structured development of the identified new residential areas of Donabate such that they integrate into the established village and support the continued growth of a vibrant and attractive town for existing and future residents.
- MT05: Integrate land use with transportation by allowing higher density development along higher capacity public transport corridors.
- Chapter 12 Development Management Standards: Sets out standards for residential development including design criteria and quantitative standards relating to dwelling size, separation standards, public and private open space provision, car parking, etc.
- Section 12.4: In general, the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines document *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities* (2009). As a general principle and to promote sustainable forms of development, higher residential densities will be promoted within walking distance of town and district centres and high capacity public transport facilities.
- DMS05: Require new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sq.m. to provide for a piece of public art to be agreed with the Council.
- Sheet (Map) No.7 Donabate / Portrane: There are no local objectives, road proposals or other designations affecting the site. The appeal site is within the Donabate Development Boundary on the zoning map. The line of the approved Donabate Distributor Road is to the east of the site.

#### 5.4. Donabate Local Area Plan 2016

The Donabate Local Area Plan was adopted in 2016. The LAP relates to four parcels of “RA - Residential Area” zoned land. The appeal site, with the exception of a narrow strip of lands to the north that reflects the alignment the proposed link road, is not within the LAP boundary. The adjoining lands to the north (50.2 hectares at Ballymastone) are included within the LAP area.

The LAP states that ‘a local road to connect ‘The Links’ south to Balcarrick Road shall be constructed in tandem with residential development’ in the ‘Spires East’ area. The LAP phasing map details indicative access points from the existing road network by a north facing arrow from New Road / Balcarrick Road, through the appeal site, and by a south facing arrow from The Links access road.

#### 5.5. Natural Heritage Designations

None.

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

A total of 3 no. third party appeals have been submitted from local residents and The Links Resident’s Association. The grounds of appeal, that are relevant to the appeal, can be summarised as follows:

##### Development Plan and Local Area Plan

- Development premature pending the inclusion of the lands within the boundary of a future LAP, pending the preparation of an Urban Framework Plan and a Masterplan. Masterplan submitted with the application is a non-statutory document with no basis.
- Premature due to local infrastructure constraints – reference to road, education, recreation and water services.

- Lands are not identified in the quantum of land supply in Donabate under Core Strategy of the Development Plan.

#### Local Area Plan Strategy

- Contrary to the vision, aims, objectives and phasing schedule of the LAP.
- Contrary to the LAP plans for the Ballymastone area which requires a mix of housing, educational and recreational development.

#### Density and Character

- Development contrary to the character and pattern of development in the area as defined by the LAP and CDP. Guidelines submit that development on infill sites should protect the general character and amenities of the area.
- Objective UD 10 of the CDP requires an appropriate mix, size, type, tenure in all new residential developments.
- Style of architecture is inconsistent with the indicative building forms highlighted under the Donabate Urban Strategy 2010.

#### Development Standards

- Development control standards of the Development Plan have been significantly breached. Reference to density, housing mix, private open space, public open space, car parking, access standards.
- Road and footpath widths and number of car parking spaces are substandard and object to absence of cycle tracks. More information required in relation to the crèche drop off arrangements.
- Not appropriate to refer to development standards of the LAP as development outside of LAP area.

#### Traffic and Road Link

- Road network in Donabate overloaded.
- Site not part of LAP traffic modelling.
- No Traffic Impact Assessment and traffic congestion and traffic hazard not addressed in any meaningful way.

- Links Distributor Road not part of Development Plan or Local Area Plan and is in contravention of both plans and zoning objective pertaining to The Links housing estate. Dispute statement in LAP (Section 2.1.1) stating that it is an objective to provide the link road.
- LAP clear and unambiguous in that a single Distributor Road is the only distributor road proposed for the LAP area.
- Development premature pending the construction of the Donabate Distributor Road.
- The creation of two direct links between the Hearse Road and the New Road is unnecessary and will create traffic and road safety problems for all the residents of the area. LAP arrows denote local access road only not full road.
- Link Road will perform as an inner relief road / de facto temporary distributor road and will seriously compromise the approved Distributor Road.
- Link Road required as part of the development of the Ballymastone lands to the north of the site. Not required to facilitate the development of the applicant's lands.
- Link road should be progressed by the Local Authority under Section 179 of the Act. Question whether road can legally be tacked onto this planning application.
- Sightlines at the exit into 'The Links' estate are poor and would not support large volumes of traffic.
- Link road should be further east and away from the Links Estate Boundary, as agreed with the community in 2009.
- Impact of link road on existing residential and visual amenity.
- Safety issues if construction access into and out of The Links estate is permitted.

#### Pumping Station and Water Supply

- Development is premature due to the absence of a permanent foul pumping station. Pressure control on water supply in Donabate / Portrane.

### Physical and Social Infrastructure

- Physical and social infrastructure is inadequate and development contrary to objectives of Development Plan and Local Area Plan to phase development based on capacity of local infrastructure.
- Potential impact on identified schools site to the north.

### Other

- Hours of construction and operation and contradictions in condition no. 28.
- Extent of detail to be agreed by condition.
- Reasons for refusal under Planning Ref. F05A/0438 remain appropriate.
- Precedent for ad hoc and piecemeal development.
- Requirement for Public Art.
- Flood risk.
- Quantum of Social Housing.

## **6.2. Applicant Response**

The applicant's response to the grounds of appeal include a separate response to engineering issues and a traffic and transport assessment. The response can be summarised as follows:

- Preparation commenced in 2016 under the 2011-2017 CDP, which included a requirement to prepare a masterplan for the lands. While current CDP omitted the requirement for a masterplan, it provides a strategic long-term vision for the development of the lands.
- Appellants misunderstand the zoning designation pertaining to the site and that of the LAP.
- Lands are zoned RS – Residential (i.e. existing residential) under Development Plan and have been zoned since at least 1999. The site is within the development boundary of Donabate detailed on Sheet No. 7 Fingal CDP 2017-2023. The Donabate LAP provides for the development of 4,000



units in Donabate over the lifetime of the Plan and includes provision for 200 units on the subject lands.

- The assertion that the development represents a proportion of the Spires East lands is incorrect. The development is not located in the LAP area and as such, design parameters do not apply.
- The Development Plan is the principal planning document for the functional area of Donabate and will have precedence over the LAP.
- An urban design statement is required under Objective DMS03 of the Development Plan and was prepared to complement the planning application and to provide greater detail regarding the design, unit types and form of the proposed development in order to ensure that the vision for the site was clear and that the design proposals were developed to a high standard.
- Planning Authority did not ignore the LAP but correctly confirmed that the development accords with the policies and objectives of the Development Plan, which is the principal planning document for the lands.
- Planning Authority requested that a road from The Links be provided. Noting that the subject lands form part of the lands on which the link road will be required, it was considered appropriate that such a link be provided at this stage. The LAP does not state that the road should only be provided during construction on the Ballymastone lands.
- The Links estate was designed so that there was no direct access from the existing link road and development has an adequate set back from the road. Therefore, there will be no adverse impacts.
- Development will be constructed in tandem with the Donabate Distributor Road and as such is not premature in this regard. A condition of the notification to grant permission precludes the road from coming into operation until the Distributor Road is operational.
- The 'link road' is proposed by the applicant and thus Section 179 of the Planning and Development Act and Article 80 of the Regulations are not applicable.

- The link road is designed as a 5.5-meter-wide road and provides for speed reducing measures every 70 metres to maintain low speed. The design has sought to provide active street frontages and to provide light and passive surveillance along the street.
- The proposed development does not prejudice the objectives of the LAP. There are clear objectives indicating access through the lands from New Road / Balcarrick Road and access from the Links across the lands (i.e. the continuation of the existing link road). It is considered that the proposed link road will support the development of the Ballymastone and Corballis lands and as such, support the delivery and implementation of the LAP.
- Proposed development provides for a logical extension of the village of Donabate which will spread organically northwards through the Spires East lands in tandem with the new link road. This provides for the optimum development of the lands in Donabate.
- The Transportation Department of the Council note that the Donabate Distributor Road is due to start on site in December 2017 with an 18-month construction period. Thus, there is a time-scale for the delivery of the road with construction anticipated to be completed in 2019. The condition that the link road shall not be operational until the Distributor Road is in operation is welcome and will be complied with.
- LAP Section 8.3.4 sets out a density standard of 35 dwellings per hectare across LAP lands. This density was also applied to the subject lands (LAP refers to 6.4 ha landholding with capacity for 220 dwellings). This density is compatible with national guidelines. A mix of unit types is proposed in accordance with Objective UD 10 of the Development Plan. Clear that some three storey units are required to achieve an appropriate density of development.
- Conditions are standard conditions that require compliance with no material changes to the development.
- The previous reasons for refusal under Reg. Ref. F05A/0438 are not applicable. LAP has been adopted for Donabate, the route of the Donabate

Distributor Road is determined and the Donabate / Portrane Wastewater Treatment Plant has been upgraded.

- The proposed development complies with Objective SS17 of the Development Plan. Significant infrastructure in place to accommodate the development including new 600 student primary school and 1,000 student secondary education centre, upgrades to rail and bus links, new DART upgrade due 2018-2020, completion of new Portrane Wastewater Treatment System, upgrade to recreational facilities (GAA, hockey and soccer pitches, new tennis club, and a new library) and proposed commencement of the Donabate Distributor Road in 2017 and a new Irish Water pumping station.
- AA screening determined that the development will have no impact on any European designated site.
- Framework plan for LAP lands will be guided by the principles of the LAP and the Development Plan both of which support residential development on the subject lands.
- The Traffic and Transportation Assessment submitted with appeal response confirms that it was not necessary to carry out a junction assessment as the proposed development does not meet the relevant threshold criteria.
- No construction access from the R126.
- The permanent pumping station is at plan stage and Irish Water and Fingal County Council Water Services Department had no objection to the temporary proposal. Irish Water have confirmed that connection to the water main can be facilitated.
- Tidal and fluvial flood risk is considered extremely low, while pluvial is considered low. While the risk of ground water flooding is considered to be moderate, with proposed flood risk management measures the residential risk is considered to be extremely low.
- Refute that development would create an undesirable precedent. The development accords with Development Plan and LAP and is supported by existing infrastructure and proposed infrastructure.

### 6.3. Planning Authority Response

- The omission of the site from Phases 1 of the Donabate LAP 2016 does not preclude the development of the site in line with the Development Plan.
- The location of the site, its access arrangements, infrastructure provision and quality of housing design, ensure that the scheme does not prejudice the development of adjoining lands (both within and outside of the LAP) and provides for a high quality residential development on an important approach road to the settlement of Donabate.
- The planning framework for the extension of the existing link roadway at 'The Links' to New Road / Balcarrick Road is long established through consecutive Development Plans. The 1999 CDP indicated proposals for a roadway linking New Road / Balcarrick Road through to the Portrane Road. The 2006 Donabate LAP prepared under the 2005-2011 CDP included provision for the roadway. The 2016-2022 Donabate LAP prepared under the 2011-2017 CDP shows an indicative access road between Ballcarrick Road / New Road and the Portrane Road via existing road infrastructure at 'The Links' housing estate.
- Provision for the roadway provides for improved levels of interconnectivity within the town and its development is subject to condition no. 7 of the permission which requires that the link road not be operational in advance of the completion and coming into operation of the Donabate Distributor Road (DDR).
- The development was assessed in accordance with the Planning and Development Act, the Fingal County Development Plan 2017-2023 and was found to be in accordance with the proper planning and sustainable development of the area. The development as proposed does not impact on the implementation of the Donabate LAP and the number of units proposed aligns with the expected housing yield set out in Section 8.3.4 of the LAP.
- Request that ABP respectfully uphold the decision of the Planning Authority and that where permission is granted, that conditions no. 30 and 31 are included.

## 6.4. Observations

A total of 5 no. observations have been received. The issues of antisocial behaviour along the proposed link road was raised in one observation. All other issues raised in the observations are similar to the issues raised in the grounds of appeal, as summarised in Section 6.1 above.

## 6.5. Further Responses

The Links Residents Association made a further response. New issues raised in the response can be summarised as follows:

- No issue with a residential development on the site, but the zoning requires a more considered approach to density, particularly as it interfaces with the Donabate LAP, is within a highly sensitive landscape and is premature pending the development of the distributor road and wastewater treatment plant.

## 7.0 Assessment

7.1.1. I consider the key issues in determining the application and appeal before An Bord Pleanála are as follows:

- Compliance with Planning Policy
- Density and Design
- Link Road
- Traffic Impacts
- Impact on Residential Amenity
- Water Services
- Flood Risk
- Other Issues
- Appropriate Assessment and EIA

## 7.2. Compliance with Planning Policy

- 7.2.1. The Fingal County Development Plan 2017-2023 and the Donabate Local Area Plan (LAP) 2016 are the relevant statutory Plans for Donabate. The County Development Plan sets out policies and objectives for the area (including zoning objectives), whilst the LAP relates to new development areas zoned 'RA – Residential Area'.
- 7.2.2. The site, excluding the proposed link road, is zoned 'RS - Residential' with an objective to *'provide for residential development and protect and improve residential amenity'*. The link road is zoned 'RA - Residential Area' with an objective to *"provide for new residential communities subject to the provision of the necessary social and physical infrastructure"*. Residential development is 'permitted in principle' in both areas.

### Local Area Plan and Phasing

- 7.2.3. The appellants and observers argue that the site is outside of the development boundary of the Donabate LAP and that the development is premature pending its inclusion within an LAP and the preparation of a Framework Plan or Masterplan. The applicant, in response, states that the lands are zoned for residential development under the Development Plan and that the appellants have misunderstood the zoning designation pertaining to the site and the terms of the LAP. I would concur with the applicant's view. The zoning objective envisages residential development on the appeal site, with no requirement for a Local Area Plan, Framework Plan or Masterplan to be prepared for the lands.
- 7.2.4. The grounds of appeal argue that the proposed link road is not part of the Development Plan or Local Area Plan and is in contravention of both Plans. However, the requirement for a link road between Belcarrick Road and The Links is clearly identified in the LAP Written Statement (Section 2.1.1 and 9.1.2 refer) and Phasing Map. While the LAP phasing strategy envisages that the road would be developed in conjunction with the development of the Ballymastone area to the north of the appeal site, it does not seek to preclude the early delivery of the roadway. The site is part of the lands on which the road will be delivered, and it is considered appropriate that the link would be provided, either in part or in full, in conjunction with the development of the appeal site.

- 7.2.5. Objective SS17 of the Development Plan seeks to link development in Donabate to the capacity of local infrastructure. While the appellants and observers argue that services are constrained or inadequate, I would note that a number of significant infrastructure projects have been delivered in Donabate in recent years to include new primary and secondary schools, a new wastewater treatment plant and recreational facilities and that further investment is planned. I do not, therefore, consider the proposed development to be premature on this basis.
- 7.2.6. On the basis of the foregoing, I consider that the principle of residential development and a link road on the appeal site is acceptable.

### **7.3. Density and Design – New Issues**

#### **Density**

- 7.3.1. The grounds of appeal argue that the site is an ‘infill site’ and that development should reflect the established character of the area. The appellants argue that the density of development is high and that the mix and type of housing is not appropriate for Donabate. The applicant in response refers to the LAP which envisages a density of 35 dwellings per hectare on the LAP lands.
- 7.3.2. Donabate is a Moderate Sustainable Growth Town with high quality public transport connections to Dublin City Centre. The site is located 600 metres to 800 metres from Donabate rail station on the Drogheda to Bray commuter rail line. There are 25 weekday services from Donabate to Dublin City Centre with stated journey times of between twenty and thirty minutes. I would also note that it is an objective of the GDA Transport Strategy to electrify the line and to provide DART services.
- 7.3.3. The details submitted with the application and appeal do not include a schedule of density for the proposed development. The Planners Report refers to a density of 30.7 units per hectare, however, I calculate a net density of 36 dwellings per hectare, based on a net site area (4.2 ha) that excludes the link road and the public road to south.
- 7.3.4. The Fingal County Development Plan 2017-2023 states that density should be determined, in general, with reference to the Sustainable Residential Development in Urban Areas – Guidelines (Section 3.4 and 12.8 refer). Chapter 5 of the Guidelines

sets out density standards for Cities and Large Towns<sup>1</sup>. Section 5.8 recommends minimum net densities of 50 dwellings per hectare within 1 kilometre of a rail station, while Section 5.11 recommends net densities of 35-50 dwellings per hectare on outer suburban / greenfield sites on the periphery of cities or large towns.

- 7.3.5. While I would note that the appeal site is a greenfield site at the periphery of Donabate, it is also within 1 kilometre of Donabate Rail Station. The proposed residential density of 36 dwellings per hectare is at the lower end of the recommended density range for greenfield sites that are outside of a public transport corridor and is significantly below the recommended density for sites within a public transport corridor. I therefore consider the proposed density to be insufficient particularly given the absence of any major development constraints within the site. The density clearly conflicts with national guidance for sites within existing or proposed public transport corridors and I consider that it would constitute a misuse of serviced lands within the development boundary of a Moderate Sustainable Growth Town.

### **Layout and Design**

- 7.3.6. Section 12.3 of the Development Plan sets out design criteria for urban development and states that it is a requirement that design principles are based on the guidance contained in the Sustainable Residential Development in Urban Areas Guidelines and the accompanying Best Practice Urban Design Manual (Section 12.3 refers). Section 12.10 sets out requirements for movement and transportation and requires new development to be designed in accordance with the Design Manual for Urban Roads and Streets (Objective DMS117).
- 7.3.7. The proposed development comprises a mix of two storey terrace, semi-detached and detached dwellings, three storey duplex units and a two storey crèche all set around an internal road network. The overall perimeter block structure and the scale and height of residential blocks is generally acceptable by reference to national design standards. However, there are a number of design issues that would impact negatively on the visual and residential amenity of the development.

---

<sup>1</sup> 5,000 or more people.



- 7.3.8. Duplex blocks are the predominant housing type within the scheme and front the principle access routes into and through the site. I consider that the proposed external stairways and associated high boundary walls of up to 2.1 metres to the front of the duplex blocks are visually obtrusive and would give rise to a poor interface between the building and the street. I also consider that the large parking areas to the front of the duplex units dominate the layout and would impact on the attractiveness of the area, with the potential to also impact on pedestrian and cyclist safety. Car parking standards are discussed further in Section 7.6 below.
- 7.3.9. The site context and extensive frontage to New Road, offers an opportunity to create a streetscape and sense of place on this important approach to Donabate village. However, I consider that the proposed elevation to New Road presents a poor urban edge, due to the setting back of mid-block houses and the use of corner duplex units that have limited architectural detailing to the street. I note that the Planning Authority under condition no. 5 of the permission, sought to set development further back from the road and to provide a secondary access road behind new road. I would not concur with this alteration as the setback would further undermine the relationship between the buildings and New Road and am of the view that a stronger edge should be provided.
- 7.3.10. I would also note that the layout and configuration of units in the south western corner of the development is disjointed and results in an incidental area of open space along the southern site boundary which is poorly overlooked and isolated.
- 7.3.11. It is proposed to raise finished floor levels above existing ground levels (by up to 2 metres) for flood mitigation. The raised levels are not apparent on the elevation or section drawings submitted with the application and there is no information on the file in relation to the nature, extent and source of any fill material that may be required. The impact of the raised levels is not therefore clear. I would note that this is a new issue.
- 7.3.12. The open space along the northern boundary is well overlooked and accessible to all dwellings. I would draw to the Boards attention to the fact that the level of open space at c. 0.7 hectares exceeds the Development Plan requirement for 10% of the site area and that this may be an influencing factor for the density yield.

7.3.13. On the basis of the foregoing, and notwithstanding the fact that residential development is acceptable in principle on the appeal site and that there are relatively few development constraints, I consider that there are a number of design issues that are contrary to guidance set out in the Sustainable Residential Development in Urban Areas Guidelines, the accompanying Best Practice Urban Design Manual and in the Design Manual for Urban Roads and Streets. While improvements could be achieved within the existing road and services layout I do not consider that the main design issues of density and elevational treatments can be adequately addressed by condition. I would draw to the Boards attention the fact that the density and design issues raised are new issues.

#### 7.4. **Link Road**

- 7.4.1. The grounds of appeal argue that the creation of two direct links between Hearse Road and the New Road is unnecessary. It is argued that the link road will be an inner relief road for Donabate, bring unacceptable levels of traffic into the proposed residential areas and seriously compromise the approved Distributor Road.
- 7.4.2. The Design Manual for Urban Roads and Streets (DMURS), 2013 submits that in general greater levels of connectivity should be provided between significant destinations in urban areas to ensure greater connectivity and direct access for pedestrians, cyclists and vehicles. The Donabate LAP identifies a number of new 'link streets' and 'local streets' that would connect residential neighbourhoods to the wider street network and to local services in Donabate. This includes a north – south 'local road' between The Links and Balcarrick Road.
- 7.4.3. The proposed link road would extend an existing access road from the R126, to provide a connection between the R126 north east of the village and New Road / Balcarrick Road south east of the village. The existing access road has a c. 6-metre-wide carriageway and is designed to provide future access to the lands to south. The proposed road extends over an area of c. 470 metres and has a stated carriageway width of 5.5 metres. Active frontage and car parking is proposed within the proposed housing scheme, while the c. 300-meter section to the north (between the proposed development and The Links) contains a carriageway and footpaths. The grounds of appeal argue that the existing access road serving 'The Links' is not suitable for the type of traffic that the link would generate and that there would be impacts on the

safety and amenities of properties in the area. However, the LAP envisages a 'local' road as opposed to the 'inner relief road' referenced in the grounds of appeal, and based on the DMURS classifications a road that would carry low traffic volumes and have a low design speed. Traffic calming features such as on street car parking and landscaping are proposed along the southern section of the road, and I would recommend that such features are provided along the full length of the road to ensure that the road functions as a 'local' road from the outset. This issue could be addressed by condition in the event of a grant of permission.

7.4.4. Condition no. 7 of the Planning Authorities notification to grant permission seeks to defer the opening of the link road until such time as the Donabate Distributor Road is operational. I consider that this is an appropriate safeguard given the proximity of the road to existing and proposed residential properties, to ensure that the link road does not end up providing a more strategic function prior to the opening of the Distributor Road. In the event of a grant of permission I recommend that a condition is attached to this effect.

7.4.5. On the basis of the foregoing, I consider that the proposed 'link' road is designed to carry local traffic and to complement the more strategic function of the proposed Donabate Distributor Road. I am satisfied that the proposed road would provide an important local connection that would improve connectivity within the urban environment, and that traffic volumes and speeds would be such that they would not impact unduly on the safety or amenity of dwellings in the vicinity.

## 7.5. **Traffic Impacts**

7.5.1. The impact of the proposed development on the existing road network is a key consideration. The appellants argue that the development should be subject to a Transport Impact Assessment (TIA). However, the applicant's response to the appeal highlights that the development is below the threshold for TIA detailed in the NRA's Traffic Management Guidelines.

7.5.2. A traffic model was developed for Donabate as part of the LAP process, which in turn informed the phasing and implementation strategy of the LAP. Development on the LAP lands is phased based on the delivery of road infrastructure. The appeal site is outside of the LAP area and is not subject to the LAP phasing requirements.

Notwithstanding this, it is proposed to provide a new link road identified in the LAP. The Report of the Planning Authority also indicates that work is due to start on the Donabate Distributor Road in December 2017 with an 18-month construction period envisaged. I consider that the scale of the proposed development, taken in conjunction with the extent of proposed improvements to the road network in the area, is such that the development would not have a seriously negative impact on the existing road network.

## **7.6. Car Parking**

- 7.6.1. The Engineering Reports submitted with the application states that a total of 275 no. car parking spaces will be provided, however, the submitted site layout plans would appear to detail 266 no. spaces. The Report of the Transportation Section of the Planning Authority states that the development has a requirement for 279 no. car parking spaces based on the standards set out in Table 12.8 of the Fingal County Development Plan. The requirement is based the provision of 2 no. in curtilage spaces per 3-bedroom house; 2 no. in curtilage spaces per 2-bedroom house; 1.5 no. spaces per 2-bedroom duplex plus 1 no. visitor space per five units; and 0.5 spaces per classroom in the crèche. Condition no. 6 of the notification to grant permission requires the applicant to submit a revised site layout indicating parking provision in accordance with the Development Plan standards.
- 7.6.2. The Development Plan (p 458) states that the principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport. This suggests that a level of discretion is envisaged in response to the site context. I consider that the rigid application of the standards to be inappropriate in this instance and that the level of proposed car parking is excessive and should be reduced, given the proximity of the site to public transport services (bus, rail and proposed DART services) and to community services and facilities in Donabate. I consider that the full application of the standards would have negative impact on the quality of the residential environment and be contrary to national policy which seeks to promote walking, cycling and public transport use and

to achieve higher densities, more compact urban forms and safe and attractive urban areas.

## **7.7. Impact on Residential Amenity**

- 7.7.1. Having regard to the nature and scale of the proposed residential development, which is two to three storey, the set back of the development from adjacent residential properties and the 'local' function of the proposed link road, I would agree with the view of the Planning Authority, that the proposed residential development and link road would not seriously injure the residential amenities of property in the vicinity and would not be injurious to the visual amenity of the area. I am satisfied that impacts arising principally from the construction phase of the proposal can be adequately addressed through best practice construction management. I would recommend that permission should be subject to a condition that requires the applicant to agree a construction management plan to address the issues of hours of operation, noise, traffic etc. prior to the commencement of development.

## **7.8. Other Issues**

### **Development Standards**

- 7.8.1. I consider the general mix of units to be acceptable and would note that dwelling sizes and room sizes are generally in accordance with the Development Plan Standards. There is a shortfall in storage space the upper level Type E units.
- 7.8.2. Private open space is provided for dwellings and the duplex units have a combination of private balconies and communal open spaces that are contained within the perimeter blocks. I would note that the balcony depths in the upper level duplex units are below the 0.9 metre requirement of Section 3.26 of the Apartment Guidelines. I would also note that the configuration of dwellings and private gardens at the corner of the perimeter blocks, results in direct overlooking of the private amenity spaces associated with the Type D and Type E units.
- 7.8.3. I consider that the issues of storage space in unit Type E and balcony depths in unit Type B could be addressed by condition, if the Board were minded to grant permission. An amended unit type may be required to address the overlooking issues in Type D and E units.

## **Water Services**

- 7.8.4. It is proposed do construct a temporary pumping station within the site and to discharge wastewater to the public wastewater network on New Road, pending the completion of a proposed Irish Water pumping station to the east. While I note that the appellants raised concerns in relation to the temporary nature of the proposed pumping station and its separation from dwellings, the Report from Irish Water indicates no objection and I consider that this is an acceptable interim measure pending the delivery of the planned station to the east.
- 7.8.5. The details submitted with the application, are considered to satisfactorily address surface water drainage and water supply issues.

## **Flood Risk**

- 7.8.6. The application is accompanied by a Flood Risk Assessment. The site is located within Flood Zone C and as such, is at low risk of pluvial and fluvial flooding and would not require a justification test in accordance with the Flood Risk Management Guidelines. While a moderate risk from surcharging and surface water discharge is identified the residual risk is low due to proposed mitigation measures. I would note that one of the mitigation measures is to raise the finished floor level of dwellings, but as discussed in Section 7.3 above, the extent of works proposed to raise floor levels is not clear.

## **Archaeology**

- 7.8.7. The Archaeological Assessment submitted with the application identifies a number of archaeological features in the vicinity of the site and recommends that pre development archaeological testing is undertaken. If the Board are minded to grant permission for the proposal, I would suggest that a condition is attached to this effect.

## **Childcare**

- 7.8.8. I consider that the proposed childcare facility is adequate to meet the requirements for childcare provision in accordance with recommendations set out in the '*Childcare Facilities Guidelines for Planning Authorities*' DoEHLG (2001).

## **Part V - Social Housing**

7.8.9. The grounds of appeal raise concerns in relation to the failure to indicate the number of social housing units within the scheme. I would note that the applicant has undertaken to meet the requirements of Part V of the Planning and Development Act and that the Planning Authority has no objection to the proposal.

### **Public Art**

7.8.10. The grounds of appeal raise an objection to the condition of the notification to grant permission, which requires the developer to provide public art within the development. While I note that the Development Plan includes an objective to require residential developments in excess of 100 units to provide a piece of public art (DMS05), I consider that this matter could be addressed in conjunction with the agreement of landscaping details.

### **Procedural Matters**

7.8.11. A number of procedural issues have been raised. The majority of issues raised are matters for the planning authority and cannot be addressed by the Board in this appeal. In relation to landownership, I note based on the details submitted with the application that a section of the site falls outside of the applicant's ownership. A letter of consent from the landowner is included with the application. However, on this basis, I am satisfied that the application is made by a person who has either sufficient legal estate or interest in the land to make the application or the approval of the person who has such sufficient legal estate or interest.

## **8.0 Appropriate Assessment**

### **8.1. Screening**

8.1.1. There are a number of Natura 2000 sites within a 15km radius of the site. They are as follows:

- Skerries Island SPA (004122);
- Rockabill to Dalkey Islands SAC (003000);
- Rockabill SPA (004014);

- Howth Head SAC (000202) & Howth Head Coast SPA (004113);
- Lambay Island SAC (000204) & SPA (004069);
- Rogerstown Estuary SAC (000208) & SPA (004015);
- Malahide Estuary SAC (000205) & SPA (004025);
- Baldoyle Bay SAC (000199) & SPA (004016);
- Ireland's Eye SAC (002193) & SPA (004117);
- North Dublin Bay SAC (000206);
- North Bull Island SPA (04006);
- South Dublin Bay and River Tolka Estuary SPA (04024).

8.1.2. An Appropriate Assessment Screening Report was submitted with the Planning Application (dated June 2017). The Screening Report considers sites within a 5 km radius stating that it is considered that these are the only areas which may fall within the project's zone of influence.

8.1.3. The appeal site is a serviced site on the edge of Donabate and is occupied by open agricultural grassland and field boundaries that consist of native hedgerows and some earthen banks. There are no watercourses within the site or in the immediate vicinity. The site is c. 1 km north of the Malahide Estuary SAC/SPA, 1.7 km south of Rogerstown Estuary SAC/SPA and c. 5 km west of the designated area of the Rockabill to Dalkey Island SAC. There are limited relevant pathways between the development and the aforementioned sites.

8.1.4. The site itself is in grassland and there would be no loss of significant habitat. I am satisfied that the proposed construction management methodology is adequate to ensure that no significant effect would arise during the construction phase. I consider that significant attenuation is proposed within the site during the operational phase and therefore the potential for impact on the water quality within the designated sites is remote. In addition, the proposal for connection to the public foul network would mitigate any potential for impacts from wastewater.



8.1.5. I am satisfied having regard to the nature and scale of the development, its location on serviced lands adjacent to Donabate, its separation from the aforementioned sites and the absence of direct source – pathway – receptor linkages that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

## 8.2. Screening Conclusion

8.3. It is reasonable to conclude that on the basis of the information on the file, which I consider to be adequate in order to issue a screening determination that that proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004122 Skerries Island SPA); 003000 (Rockabill to Dalkey Islands SAC); 004014 (Rockabill SPA); 000202 (Howth Head SAC); 004113 (Howth Head Coast SPA); 000204 (Lambay Island SAC); 004069 (Lambay Island SPA); 000208 (Rogerstown Estuary SAC), 004015 Rogerstown Estuary SPA; 000205 (Malahide Estuary SAC); 004025 (Malahide Estuary SPA); 000199 (Baldoyle Bay SAC) 004016 (Baldoyle Bay SPA); 002193 (Ireland's Eye SAC); 004117 (Ireland's Eye SPA); 000206 (North Dublin Bay SAC); 04006 (North Bull Island SPA); 04024 (South Dublin Bay and River Tolka Estuary SPA), or any other European Site, in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment is not therefore required.

## 9.0 Recommendation

9.1.1. I recommend that planning permission for the proposed residential development be refused for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

1. The site of the proposed development is on serviced lands within the development boundary of Donabate in close proximity to established rail transport services and social and community services. The site is zoned for residential purposes. It is a requirement of the Fingal County Development

Plan 2017-2023, that the number of dwellings to be provided on a site should be determined by reference to the guidance contained in the *Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (DECLG 2009)*. It is also an objective of the Development Plan (MT05) to integrate land use with transportation by allowing higher density development along higher capacity public transport corridors. The site of the proposed development is 600 metres to 800 metres from Donabate Railway Station. The Guidelines state that in general minimum net densities of 50 dwellings per hectare should be applied within 1 kilometre of a rail station, whilst net residential densities in the general range of 35-50 dwelling per hectare are recommended on outer suburban / greenfield sites on the periphery of cities or towns. It is considered that the development of the site at a density of 36 units per hectare is at the lower end of the general range for outer suburban / green sites, and is insufficient to provide for an acceptable efficiency in close proximity to public transport services. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is a policy of the Fingal County Development Plan to ensure that all development is of a high quality design and promotes the achievement of accessible, safe and sustainable built and natural environments. It is also a requirement of the Development Plan that new development is designed based on the guidance contained in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, the accompanying Best Practice Urban Design Manual (DECLG 2009) and in accordance with the Design Manual for Urban Roads and Streets (DECLG and DTTS 2013). The proposed development, by reason of its response to site context, the elevational and boundary treatments to the internal and external street network coupled with the dominance of surface car parking within the layout, represents a substandard form of urban development and is not in accordance with the design and layout guidance set out in the Sustainable Residential Development Guidelines or DMURS. The proposed development would, therefore, conflict with the objectives of the development plan and

would be contrary to the proper planning and sustainable development of the area.

---

Karen Kenny  
Planning Inspector

11<sup>th</sup> December 2017