



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-304289-19

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### Strategic Housing Development

Replacement of 97 units (35 houses and 62 apartments) and crèche with 174 apartments and crèche (including associated amendment to condition no. 22 of F17A/0113).

### Location

Hearse Road, Donabate, Co. Dublin

### Planning Authority

Fingal County Council

### Applicant

Glenveagh Homes Limited

### Prescribed Bodies

1. Irish Water (IW)
2. Transport Infrastructure Ireland (TII)

### Observer(s)

1. Corina Johnston
2. Gareth Lee

3. Adrian Henchy
4. Bernard Traynor

**Date of Site Inspection**

3<sup>rd</sup> July 2019

**Inspector**

Fiona Fair

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## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The site is located at the southern edge of Donabate, Co. Dublin, c. 300 m from the railway station and the town centre. It is c. 250m north of the Donabate Distributor Road which is currently under construction with LIHAF funding, completion is expected late 2019.
- 2.2. The site is accessed via Hearse Road (R126), which connects to the M1 Junction 4 to the west. This road was originally rural in character but is currently undergoing upgrade works. Newbridge Demesne is to the immediate west, on the other side of Hearse Road with a substantial stone wall along much of the road frontage.
- 2.3. The development site has a stated area of 2.47 ha and was previously in agricultural use. It is at the northern end of a larger site as permitted under Reg. Ref. F17A/0113. The overall site has an irregular shape with 2 separate frontages to the R126, wrapping around a steel works and auto yard.
- 2.4. There is a development of large, detached houses, Prospect Hill, to the immediate north at a higher ground level than the development. The development is bound to the east by the Dublin – Belfast railway line, to the south by Phase 1 and Phase 2 of the overall permitted development (as permitted under Reg. Ref. F17A/0113) which is currently under construction and further to the south are undeveloped agricultural lands.
- 2.5. There are mature trees at site boundaries, including that shared with Prospect Hill. Construction works on the development permitted under F17A/0113 (Phase 1 and 2) were underway at site inspection, including associated upgrade works to Hearse Road. A bridge over the railway line is to be provided via the Part VIII process.

2.6. Archaeological investigations carried out at the overall site have discovered a burnt mound on the eastern side of the site, south of the subject site and beyond the current site boundary.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development, as per the submitted public notices, will consist of amendments to part (approximately 2.47 ha) of a permitted residential development under Fingal County Council Reg. Ref. F17A/0113, including an amendment to Condition 22 of that permission. The proposed amendments result in an increase in the number of permitted units from 251 to 328 (an increase of 77 no. units). The proposed amendments include the replacement of 35 no. permitted house units and 62 no. permitted apartment units in apartment blocks 1, 2 and 3, with 174 no. apartments with balconies (67 no. one bed units, 87 no. two bed units and 20 no. three bed units) in 5 no. apartment blocks:

- **Block 1** is a four-storey building with solar photovoltaic modules at roof level. Block 1 contains 40 no. apartment units comprised of 18 no. one bed units, 19 no. two bed units and 3 no. three bed units; along with bicycle storage, a switch room and a tank room at ground floor level.
- **Block 2** is a four-storey building incorporating a setback at fourth floor level along the northern elevation to provide private terraces. Block 2 contains 30 no. apartment units comprised of 9 no. one bed units, 17 no. two bed units and 4 no. three bed units; along with bicycle storage, a switch room and a tank room at ground floor level.
- **Block 3** is a four-storey building containing 24 no. apartments comprised of 4 no. one bed units, 13 no. two bed units and 7 no. three bed units; along with a tank room and switch room at ground floor level. An external bicycle storage structure is provided along the western boundary of the site to serve the requirements of Block 3.

- **Block 4** is a four-storey building containing 40 no. apartment units comprised of 18 no. one bed units, 19 no. two bed units and 3 no. three bed units; along with bicycle storage, a switch room and a tank room at ground floor level.
- **Block 5** is a four-storey building containing 40 no. apartment units comprised of 18 no. one bed units, 19 no. two bed units and 3 no. three bed units; along with bicycle storage, a switch room and a tank room at ground floor level.

- 3.1.1. The proposed development includes the provision of external bin storage areas to serve each apartment block, an ESB substation, and a single storey childcare facility with a dedicated circulation and drop-off area, 3 no. car parking spaces and 3 no. bicycle parking spaces.
- 3.1.2. A total of 199 car parking spaces and 388 bicycle parking spaces are provided to serve the residential element of the proposed development.
- 3.1.3. The development also includes all associated modifications to the internal road network, drainage network, public open spaces, landscaping, boundary treatments and all associated infrastructure and site development works.
- 3.1.4. Permission is also sought for the amendment of Condition 22 of Fingal County Council Reg. Ref. F17A/0113 to accommodate the amendments to the layout, phasing, number and typology of units proposed in this application.
- 3.1.5. The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal Development Plan 2017-2023 and the Donabate Local Area Plan 2016.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

**Table 1: Development Standards**

Site Area	2.47 ha (24,719 sq. m)
No. of units	174
Total Gross Floor Area (excluding the creche)	15,693 sq. m
Gross Density	70 units/ha (or 39 units/ha based on cumulative / overall site area)
Plot Ratio	0.64

Indicative Site Coverage	17%
Public Open Space (OS 1, 2 &3)	2,922 sq. m

**Table 2: Unit Mix**

Block	1 bed	2 bed	3 bed	Total
1	18	19	3	40
2	9	17	4	30
3	4	13	7	24
4	18	19	3	40
5	18	19	3	40
<b>Total Apt</b>	<b>67</b>	<b>87</b>	<b>20</b>	<b>174</b>

**Table 3: Building Height**

Block	Storeys	Parapet Height mOSD
1	4	13.05
2	3 - 4	9.5 – 13.05
3	4	13.05
4	4	13.05
5	4	13.05

**Table 4: Part V Provision**

Requirement: 17 units	Provision: 17 units
	The proposed mix of Part V units to be transferred includes 6 no. one bed apartments, 10 no. two bed apartments and 1 no. three bed apartment in Block 2 - Apartments specified in Drg. No. P-007

**Table 5: Childcare Provision**

Requirement:	Provision:
87 childcare spaces	71 childcare spaces 369 sq. m. standalone unit single storey creche building *number justified in terms of proportion of one bedroom units proposed.

**Table 5: Car Parking Provision (see Table 3 of TIA)**

Surface	1 space per 1 & 2 bedroom unit and 2 spaces per 3 bedroom apartment unit	194	
	1 visitor parking space per block	5	
	Creche	3	
Total (on street)			202

**Table 7: Bicycle Parking**

Long term spaces	301
Located directly adjacent to the proposed apartment blocks for short term visitors	87
To serve the creche	3
Total	391

- 3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.
- 3.4. The project will be constructed as part of 6 phases of development, with the phasing as follows:

- Phases 1 and 2 of the overall development includes the construction of the permitted houses in the southern portion of the overall site. Phase 1 includes the construction of the southernmost portion of the site (115 houses), the pumping station/drainage infrastructure to service the site in addition to the southern entrance to the site and associated access roads.
- Phase 2 includes the construction of 30 no. dwellings. Currently under construction.
- Phase 3 includes the construction of the 2 no. permitted houses with access from Prospect Hill, along with the development of the proposed creche facility and associated access from Hearse Road, circulation and parking areas.
- Phase 4 includes the construction of Blocks 4 and 5, providing a total of 80 units.
- Phase 5 includes the construction of 7 no. permitted dwellings and the proposed apartment Block 1, which contains 40 no. apartments. It is anticipated that the construction of Phase 5 of the development will also include the construction and completion of the overbridge by the end of 2020.
- Phase 6 is the final phase of development and includes the construction of proposed apartment Blocks 2 and 3, providing a total of 54 no. units.

3.5. This application proposes that Condition 22 be amended to refer to 147 units having regard to the revised location of the crèche facility in the third phase of the development to be constructed, prior to the construction of the proposed apartment units and the permitted houses in the north-eastern corner of the site. It is noted that the proposed apartments incorporate a higher quantum of 1 beds (67 no. 1 bed units) in the overall development than previously permitted (increase of 55 no 1 bed units from 12 no. permitted under FCC Reg. Ref. F17A/0113).

## 4.0 Planning History

### On site.

**Reg. Ref. F17A/0113:** Permission Granted on the 15.01.2018 for the construction of 196 houses, 62 apartments and a crèche, with two vehicular access points from Hearse Road, and access to two houses only from Prospect Hill. The proposal

includes a route through the development to the future pedestrian bridge over the railway. Works to Hearse Road include two access points, new footpaths and a new pedestrian and cycle entrance to Newbridge Demesne and also the provision of 1.075 Ha open space in the proposed nature park on the coast road at Corballis, Donabate. The houses consist of 130 three bedroom, 51 four bedroom and 15 five bedroom two storey dwellings; the apartments consist of 12 one bedroom and 50 two bedroom dwellings in three blocks each three storeys with penthouse floor over ground floor crèche (c.322 sq. m.) in one block. The proposed development includes all associated site works and infrastructure which includes landscaped open spaces, internal roads, paths, cycle-paths, public lighting, utilities, pump station, drainage and surface water attenuation and works to Hearse Road and associated entrance to Newbridge Demesne. AI deemed Significant 27th October 2017. Revised Public Notices lodged 7th November 2017.

The permission, following changes to the plans as a result of a further information request, allows for 251 dwelling units. Condition no. 5 omits (6 no. units) referenced houses no. 03-08 (inclusive) located to the north west of the site adjacent to the most northern proposed access. This condition was attached to create a greater visual buffer between the residential development and Hearse Road in order to protect the high standard of landscaping and visual amenity on this important approach vista and connection between Donabate with Newbridge Demesne.

#### **To the east of the railway line:**

**Reg. Ref. F18A/0618:** Notification of decision to Grant Planning permission dated 17.06.2019. The development will consist of strategic open spaces, upgrades to the public road, reconfiguration of the existing car park serving Smyths Bridge House (A Protected Structure), upgrade of existing entrance onto Main Street, new access from Balcarrick Road, internal access roads, water services and a pumping station, and utilities. These proposed works are to facilitate future residential development including reserved sites for new primary school and local neighbourhood centre at Corballis East, as provided for in the Donabate Local Area Plan 2016. Planning permission is sought for 10 years. It is proposed to provide a Nature Park of 13.63 ha. and 3 no additional parks of 1.4437 ha, 0.6788 ha, and 0.3856 ha. The proposed internal road infrastructure comprises a hierarchy of 2,320m of Linking Roads and 4,680 m of Local Access Roads. It is proposed to reconfigure the existing permitted

car park serving Smyths Bridge House to accommodate pedestrian, cyclist and limited vehicular access to the site, and 46 no. replacement car parking spaces, and including the upgrade 140m of Main Street including the Balcarrick Road Junction. Proposed potable surface and foul water services and utilities, will be provided under the proposed roadways. Proposed works include SUDS wetland area in the Nature Park, and a wastewater pumping station set within a fenced compound of 320 sq.m. accessed off the Donabate Distributor Road (under construction).

**Reg. Ref. F00A/0336** refers to a grant of permission for an agricultural shed

**Reg. Ref. F00A/0337** refers to a grant of permission for dwelling house and wastewater treatment system.

## 5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 29<sup>th</sup> January 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted **would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 5.2. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:
1. Detailed phasing proposals, in the context of the development permitted on the overall site under F17A/0113, to include the creche provision and the railway overbridge.

2. Construction and Environmental Management Plan, to include details of traffic management, waste management and tree protection measures.
3. Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on visual and residential amenities including in particular impacts on Newbridge Demesne, Hearse Road and Prospect Hill, to include 3D visualisation of the scheme.
4. Detailed cross sections indicating levels relative to Hearse Road, the railway line, Prospect Hill and the development permitted under F17A/0113.
5. Tree Survey, Arboricultural Assessment and landscaping proposals to address (i) impacts on existing trees at the site and in its vicinity; (ii) the purpose and nature of each of the communal open spaces; (iii) the provision of play areas; (iv) the quantity, type and location of all proposed hard and soft landscaping; (v) details of all boundary treatments; (vi) the provision of a high quality public realm for residents of the scheme and as a contribution to the amenities of the area and (vii) retention of trees at the Hearse Road frontage and along the boundary with Prospect Hill and provision of enhanced landscaping at these locations, in accordance with LAP objective to protect views along Hearse Road and to retain mature trees along the Newbridge Demesne boundary and approach road to Donabate. The proposed landscaping scheme shall be integrated with parking, roads and access proposals and detailed SUDS measures.
6. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development.
7. Rationale for the proposed car and cycle parking provision with regard to the standards set out in Chapter 12 of the Fingal County Development Plan 2017-2023 and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, to include (i) evidence based data from comparable developments in similar geographical locations to justify the proposed car and cycle parking provision; (ii) details of car and cycle parking

management measures and the provision of visitor parking and (iii) a Mobility Management Plan.

8. Details of pedestrian and cycle connections to Hearse Road and to the railway line overbridge, to include those provided under F17A/0113.
9. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority
10. Assessment of noise and vibration impacts on residential units from the Dublin / Belfast railway line, to include noise and vibration mitigation measures if necessary.
11. Details of proposed archaeological mitigation measures.
12. AA Screening Report and Ecological Impact Assessment updated from those prepared for Reg. Ref. F17A/0113.
13. Rationale for proposed childcare provision in the context of the Childcare Facilities Guidelines for Planning Authorities and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

## 6.0 Applicant's Statement

- 6.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the **thirteen** issues raised in the Opinion.

### Phasing

- 6.1.1. In accordance with the requirement of Item 1 of the Board's Opinion, a revised phasing plan for the entire residential development site, incorporating the proposed amendments to the permitted development under FCC Reg. Ref. F17A/0113, is submitted herewith (Drg. No. P-006).

With regard to the future provision of the pedestrian and cycle overbridge over the Dublin to Belfast rail line on the north-eastern corner of the site, the applicant has engaged with Fingal County Council. OCSC Consulting Engineers, the Engineers engaged by the applicant on the subject development, has been appointed by Fingal

County Council as the Civil & Structural Engineer for the planning, design and tender of the pedestrian and cycle overbridge. The project milestones for the delivery of the overbridge are set out in Section 2 of the OCSC Traffic and Transport Assessment. It is anticipated that the construction of the pedestrian and cycle overbridge will commence in April 2020 and will be completed at the end of December 2020, as part of Phase 5 of the development.

#### Construction and Environmental Management Plan

- 6.1.2. A comprehensive Draft Construction and Environmental Management Plan (CEMP) has been prepared by OCSC Consulting Engineers in response to Item 2. The Draft CEMP provides details of construction traffic management, construction waste management and tree protection measures. It is noted that a Demolition and Construction Waste Management Plan has been prepared by Byrne Environmental and is submitted with the planning application documentation.
- 6.1.3. The CEMP details the location of the construction compound, the anticipated quantum and routing of construction traffic, site parking provision and mitigation measures proposed.

#### Visual Impact

- 6.1.4. The following documentation was submitted with the planning application:
- Verified View Photomontage Booklet prepared by 3D Design Bureau
  - Detailed cross sections of the site (Drg. Nos. P-301 to P-305), prepared by Doran Cray Architectural Services.
  - Landscape and Visual Impact Assessment (LVIA) prepared by TBS Landscape Architects
  - Assessment of Daylight, Sunlight and Shadow Report prepared by Geraghty Energy Consultants
  - Landscaping Drawings as per the Schedule prepared by TBS Landscape Architects and attached to Drawings.
  - Landscape Development Report prepared TBS Landscape Architects

- 3D CGI Booklet prepared by Doran Cray Architectural Services.

6.1.5. The location and height of the proposed apartment blocks (particularly 1, 2 and 3) are consistent with the heights of the previously permitted apartment blocks on the subject site under FCC Reg. Ref. F17A/0113. Blocks 4 and 5 are located to the south of the location of the previously permitted blocks along the eastern boundary, beside the railway line. It is submitted that the additional apartment blocks have been located and designed to avoid any additional visual or landscape impact on residents in the vicinity, Hearse Road and Newbridge Demesne compared to the previously permitted development. Adequate separation distances have been provided between the proposed apartment blocks and permitted houses to the south of the overall development site to preserve future residential amenity. In addition, the blocks are separated by landscaped open spaces and internal roads, and at-grade car parking.

#### Cross Sections

6.1.6. Detailed cross sections submitted Drg. Nos. P-301 to P-305, prepared by Doran Cray Architectural Services

#### Landscaping and Tree Protection

6.1.7. The following reports have been submitted to address this matter:

- Arboricultural Assessment Report and associated Tree Survey and Constraints Drawing prepared by CMK Hort + Arb.
- Arboricultural Impact Report and associated Arboricultural Impact & Tree Protection Drawing prepared by CMK Hort + Arb.
- Landscaping Drawings as per the Schedule prepared by TBS Landscape Architects and attached to Drawings
- Landscape Development Report prepared by TBS Landscape Architects
- Landscape and Visual Impact Assessment prepared by TBS Landscape Architects
- Verified View Photomontage Booklet prepared by 3D Design Bureau.

### Daylight/Sunlight Analysis

- 6.1.8. An Assessment of Daylight, Sunlight and Shadow Report prepared by Geraghty Energy Consultants is submitted with the application documentation to address Item 6. The Report concludes as follows:
- 6.1.9. • Daylight: 'All apartments (174 no) within the scheme were assessed for daylight using the average daylight method. 95.5% of all habitable rooms (477 no) satisfy the target ADF (average daylight factor) levels, and most of these rooms comfortably exceed the minimum guidelines.
- 6.1.10. 'In rooms which slightly fall short of the BRE guideline, this is primarily the result of the provision of balconies which tend to obstruct access to daylight in dwellings at lower floor levels. However, due to fact the buildings are spaced sufficiently apart from one another and the majority of living room windows are within 90 degrees of sue south, future occupants will enjoy good views of the landscaped areas and good levels of sunlight respectively.
- 6.1.11. • Sunlight: 'The majority of apartments (>95%) have living room windows within 90 degrees of due south and this will provide good levels of access to sunlight. Of the 166 no. living rooms with windows within 90 degrees of due south, 82.5% exceed the guidelines and will receive adequate levels of sunlight throughout the year. A small number of apartments which are located near internal corners or have windows that face significantly north of east or west, will inevitably receive less sunlight. However, most of these units receive good levels of daylight and enjoys views of the landscaped open areas.'
- 6.1.12. • Overshadowing: 'All open amenity areas associated with each block and the creche was assessed for overshadowing and the sunlight levels comfortably exceed the BRE Guide. The shadow path diagrams also show that the impact the apartment buildings will have on the proposed housing units to be developed near this site will be negligible.

### Car and Cycle Parking Provision

- 6.1.13. Section 2(e) of the Traffic and Transport Assessment prepared by OCSC provides a detailed rationale for car and cycle parking provision in the proposed development,

including 2 no. examples of Strategic Housing Developments (ABP Reg. Refs. 301818-18 and 301522-18) in comparable intermediate urban locations. It is noted that the proposed car and cycle parking facilities will be maintained by a management company appointed by the applicant/developer. In addition, OCSC has prepared a Mobility Management Plan which accompanies the planning application documentation.

- 6.1.14. The proposed development provides a combined total of 202 no. car parking spaces, consisting of 194 no. spaces (provided on the basis of 1 no. car parking space per 1 and 2 bedroom units and 2 no. spaces per 3 bedroom unit) to serve the residents of the proposed development, 5 no. visitor spaces (provided on the basis of 1 no. space per apartment block) and 3 no. spaces to serve the crèche facility (provided on the basis of 0.5 no. spaces per classroom).
- 6.1.15. The proposed development also provides a total of 391 no. bicycle parking space, of which 301 no. spaces will be long term bicycle spaces for the residents of the development (provided on the basis of 1 no. space per bedroom). Long term cycle parking is provided at the ground floor level of apartment Blocks 1, 2, 4 and 5, with an external sheltered and secure bicycle parking bay to serve Block 3 located proximate to the western boundary. 87 no. spaces are provided in the form of open bike stands directly adjacent to the entrance of each proposed apartment block. These open type stands are primarily intended for use by visitors rather than permanent residents of the proposed development (provided on the basis of 1 no. space per 2 units). 3 no. bicycle spaces are provided proximate to the proposed crèche facility (provided on the basis of 0.5 spaces per classroom).
- 6.1.16. It is submitted that the proposed car parking provision accords with the underlying principles contained in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018), which seeks to reduce car parking provision in accessible locations that are proximate to rail stations, such as the subject site. Furthermore, it is noted that the application is accompanied by a Mobility Management Plan, with the objective to reduce car use and the need for car use at the site by increasing the attractiveness and practicality of other modes of transport.

## Pedestrian and Cycle Connections

6.1.17. The Traffic and Transportation Assessment outlines the proposed vehicular, pedestrian and cycle connection through the site, along with the status of the future surrounding road and pedestrian/cycle network connections:

- The Donabate Distributor Road, which connects to Hearse Road to the south of the site is currently under construction, with an expected completion date of Q3 2019.
- The localised upgrade and realignment works to Hearse Road to the west of the site, permitted under FCC Reg. Ref. F17A/0113 is currently under construction (approximately 75% complete) with an expected completion at the end of May 2019. The permitted works include the provision of new footpaths and public lighting, a new right turn lane into the southern entrance to the overall development site and a toucan crossing on Hearse Road to the north of the northern entrance to the overall development.

6.1.18. The applicant has engaged with the Planning Authority regarding the future provision of the pedestrian/cycle overbridge across the rail line in the north-eastern corner of the overall development site, with construction expected to commence in April 2020 and a completion date at the end of December 2020.

## Taking in Charge Plan

6.1.19. Refer to Drg. No. P-011, prepared by Doran Cray Architectural Services.

## Railway Noise and Vibration

6.1.20. Noise and Vibration Impact Assessment prepared by AWN Consulting submitted. The assessment concludes that the insulation capabilities of the development are sufficient to achieve the design goals from BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The proposed dwellings in closest proximity to the rail line will require upgraded glazing and ventilation to achieve the design goals outlined in BS8233:2014. With consideration of the proposed noise

mitigation measures, the calculated future intrusive noise levels are within acceptable levels.

- 6.1.21. The external noise environment has also been assessed and it is concluded that the noise environment across the outdoor amenity areas will be within acceptable limits and would not be considered excessive.

### Archaeology

- 6.1.22. Archaeological Assessment Report prepared by IAC Archaeology submitted. The report provides a summary of all archaeological works undertaken at the overall development site to date. The report outlines that the proposed amended development will not result in impacts upon the archaeological resource, as full mitigation has already been carried out as per the existing grant of permission under FCC Reg. Ref. F17A/0113.
- 6.1.23. There are no recorded monuments located in the vicinity of the site, with the closest consisting of a church and graveyard situated in Donabate Village to the north (DU021-005001/3). A total of three archaeological investigations have been carried out within the permitted development area under FCC Reg. Ref. F17A/0113 (including the site of the subject amendments), including two programmes of archaeological testing carried out in 2007 and 2017. The first investigation was limited to the assessment of geophysical anomalies within the site (McLoughlin 2007, Licence Ref.: 07E0650), whilst the second programme aimed to provide a more comprehensive assessment (O'Connell 2017, Licence Ref.: 17E0309). The works led to the re-identification of a burnt mound in the eastern part of the development area, in the southernmost point of the area containing the current proposed amended development. No other features of archaeological potential were identified during the course of the testing assessment.
- 6.1.24. IAC Archaeology were appointed in 2018 to monitor all topsoil stripping within the permitted development area under Licence 18E0414, including the area of the proposed amendments. In this regard it is confirmed that no features of archaeological potential were identified within the subject application area and that the burnt mound to the south of the application area was fully preserved by record at that time (archaeological excavation). Based on the above works carried out to date,

the report states that archaeological mitigation for the proposed development is not deemed to be necessary.

#### AA Screening and Ecological Impact Assessment

- 6.1.25. AA Screening Report and Ecological Impact Assessment Report have been prepared by Faith Bailey Ecological Consultant and submitted.
- 6.1.26. Section 7 of the submitted Ecological Impact Assessment report identifies a number of mitigation measures to be implemented in the development. It concludes that subject to the implementation of the recommended mitigation measures that the overall impact on flora and fauna is minor negative. It notes that the subject lands 'have been intensively used and managed for agricultural purposes but they still provided a habitat for wildlife which will be altered through their development as housing. The planting proposals will add some diversity to the site which will favour some species.'
- 6.1.27. The submitted AA Screening Report has evaluated the proposed housing development of lands to determine whether or not significant negative impacts on the integrity of Natura 2000 sites are likely to arise by virtue of its construction and subsequent occupation and use. It concludes that there will be no negative impacts on the qualifying interests of any Natura 2000 sites within a 15km radius of the proposed development. This report also concludes that the proposed development will not, either individually or cumulatively in combination with the other identified plans and projects, adversely affect the integrity of any Natura 2000 site. On this basis it was determined and recommended that it is not necessary to undertake any further stage of the Appropriate Assessment process.

#### Childcare Facilities

- 6.1.28. The proposed crèche provides sufficient capacity for 71 childcare spaces. It is submitted that this level of provision reflects the substantial quantum of smaller type units proposed (i.e. one bedroom – 67 units) that are unlikely to accommodate households with small children. Applying the guideline standard of 20 spaces per 75 dwellings for the 2, 3, 4 and 5 bed units permitted and proposed (261 units) requires

70 childcare spaces. In this regard, the proposed crèche facility is in accordance with the guidelines.

6.1.29. In addition, it is noted that the crèche facility previously permitted under FCC Reg. Ref. F17A/0113 was located on the ground floor of Block 3. The crèche provided in the proposed amendment is a single storey, standalone facility, located proximate to the northern access junction to the overall development, and incorporates a dedicated circulation area, vehicular and bicycle parking. It is also well located on the future pedestrian routes to the rail station. The proposed crèche has been sited and designed to enhance viability, protect the residential amenities with existing dwellings to the north, and reduce potential conflicts with residential amenities of the proposed apartment blocks.

## **7.0 Relevant Planning Policy**

### **7.1. National Planning Policy**

7.1.1. The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.
- Draft Eastern and Midland Region Spatial and Economic Strategy (RSES) published on 5<sup>th</sup> November 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities

- Architectural Heritage Protection

## 7.2. Local Planning Policy

### Fingal County Development Plan 2017-2023 (FCDP) Core Strategy and Settlement Strategy

- 7.2.1. Donabate is identified as a Moderate Sustainable Growth Town within the Metropolitan Area. The County Development Plan notes that Donabate has experienced population growth in recent years and is served by high-capacity public transport links to Dublin city. Donabate is envisaged as performing a strong role for continuing future growth as a well-served commuter location.
- 7.2.2. Section 4.2 of the Development Plan states that while Donabate has experienced substantial housing development in recent years, there remains extensive areas of undeveloped residential zoned lands.

### Zoning

- 7.2.3. The site is zoned Objective RA in the County Development Plan to ‘provide for new residential communities subject to the provision of the necessary social and physical infrastructure’.
- 7.2.4. Section 12.4 of the Development Plan provides that the vision of Objective RA lands is to ‘ensure the provision of high quality new residential developments with good layout and design, within close proximity to community facilities, and with an appropriate mix of house sizes, types and tenures.’
- 7.2.5. Figure 6.1 below is an extract of Sheet 7 of the Zoning Plan in the County Development Plan. It is also noted that the site is subject to a Local Area Plan (Donabate LAP 2016 – 2022). There are several map-based objectives in the immediate vicinity of the site, including the following:
- Map Objective 39: ‘Seek the provision of a public walkway/cycleway on land west side of the train line in Donabate and along the existing railway embankment across the Malahide Estuary, in consultation with Iarnród Éireann within the lifespan of this Development Plan.’

- Map Objective 41: 'Upgrade Hearse Road to Distributor Road standard whilst ensuring the rural and amenity character is protected'.
- The whole of the site is designated as 'Highly Sensitive Landscape' Green Infrastructure 1 Sheet No. 14
- Newbridge Demesne located to the west of the subject site is designated as an ACA.

Donabate LAP 2016 – 2022

- 7.2.6. The LAP recognises the importance of the approach to Donabate Village and seeks to ensure that any new development along the southern side of Hearse Road (Corballis Lands) takes Newbridge Demesne into consideration.
- 7.2.7. Connectivity is a key element in the successful development and integration of the Corballis LAP lands with the surrounding area. The new neighbourhoods will have good connections and orientation northwards towards the village and westwards towards Newbridge Demesne.
- 7.2.8. A new pedestrian / cycle bridge over the railway line is proposed to connect new development in this area to the village and train station.

### 7.3. **Applicant's Statement of Consistency**

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

## 8.0 **Third Party Submissions**

- 8.1. Four number third party submission received they are summarised as follows:
- Transportation issues and current train / bus services are inadequate
  - Negative impact upon the character of the area
  - Inadequate schools, childcare facilities, retail offerings, recreational facilities, pedestrian and cycle facilities and public transport.
  - Insufficient quantum of car parking proposed

- Sensitive location of the proposed development stage 2 AA required.
- Negative impact to residential amenity of existing properties
- Density contrary to the Donabate LAP
- Surface water drainage proposals inadequate
- Noise from creche facility
- Overshadowing in particular from Block 2
- Finish of northern boundary wall should be of limestone
- Breach of EIA Directive – project splitting, no EIAR submitted
- Impact upon protected views and on the landscape
- Benefits of Green roofs not incorporated
- Climate and biodiversity opportunities not provided for / lost

## 9.0 Planning Authority Submission

9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 25<sup>th</sup> June 2019. The report may be summarised as follows:

9.2. Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports and consultees. A summary of representations received was outlined.

9.3. Summary of Inter-Departmental Reports

- **Community Archaeologist Report:** Any archaeological impact can be considered resolved and no further mitigation is necessary.
- **Environment Department:** No objection subject to conditions.
- **Architects Department:** Issues identified with respect to the design. It is stated that the proposal is ‘... a lost opportunity in terms of creating a properly integrated, design led and vibrant addition to the housing currently under construction on site.’
- **Water Services:** No objection, subject to conditions
- **Environmental Health Air and Noise Unit:** No objection, subject to conditions

- **Community, Culture & Sports:** No objection, subject to condition with respect to provision of public art.
- **Conservation Officer:** Primary concern in respect to the visual impact of the proposed four storey apartment blocks on the setting of Newbridge House and how it is read above the tree canopy.
- **Transportation Planning Section:** Issues identified in relation to the road layout as proposed and design of car parking. Footpaths are required, there are no footpaths running between Blocks B and C nor are there any paths along the section of road running to the front of Blocks C-E. This is not acceptable to the Transportation Planning Section as it gives dominance to vehicles especially given the predominance of parking in this area. This area is not suited to a shared surface as it is a through route and serves a significant number of units.
- A direct pedestrian / cycle should be provided running from the north western site access to the north eastern side of the site between Block A and the proposed creche tying into the previously approved road leading to the future pedestrian / cycle bridge crossing the railway line.
- **Environmental Health:** Seeking further information in relation to the proposed creche in order to allow for a full assessment.
- **Parks and Green Infrastructure Division:** The quantum of public open space is acceptable. No increase in play provision has been indicated in relation to the increase in bed spaces. The lands around Newbridge Demesne has been increasingly developed for residential development which is in turn putting increase demand on the play ground within its grounds. Attachment of conditions recommended in respect to a financial contribution to cover the cost of the provision of a playground area within the grounds of Newbridge Demesne, general landscaping comments and tree / hedgerow retention.

**The main issues raised in the assessment were as follows:**

Given the core national principles for Ireland's housing future to ensure a high standard quality of life by placemaking through integrated planning and consistently excellent design, as set out in the National Planning Framework; the development

strategy for Donababte contained in the Fingal County Development Plan to protect and enhance this highly sensitive landscape, and the urban design framework that recognises the importance of the approach vista to Donabate village and seeking to ensure that any new development along the southern side of Hearse Road (Corballis Lands) takes Newbridge Demesne into consideration at Corballis in the Donabate LAP 2016.

In conclusion, it is the planning authority's opinion that the proposed SHD would not be consistent with relevant objectives of the Development Plan and the Donabate Local Area Plan. Concerns expressed by the planning authority at the preplanning meeting held in the Board on the 29<sup>th</sup> January 2019 have not been adequately addressed in the subject application.

Having regard to the submissions or observations received by An Bord Pleanala and the views of the elected members (expressed serious concerns and strong opposition to the increase in the number of taller buildings within this setting) in forming this opinion, the planning authority recommends that permission be refused in the interest of the proper planning and sustainable development of the area of the authority and on the environment for the following reasons:

### **Refusal Recommended**

1. The proposal as currently presented gives rise to a number of concerns in respect to creating a neighbourhood with a strong identity by reason of the limited difference to elevation design, height, scale and massing proposed across these defined character areas. Furthermore, the proposed development by reason of its blanket approach to height is not sufficiently sensitive to the highly sensitive landscape and specifics of the place. As such, it is considered it would not contribute to a high quality of life.
2. The proposed campus style set back from the road and pathways of the buildings in conjunction with the splayed layout will not help to create

pedestrian scale streets with good passive surveillance in particular along the route to the pedestrian / cycleway bridge over the railway to the village.

3. The proposed creche position contravenes condition no. 5 of Reg. Ref. F17A/0113. Notwithstanding, the location and proximity of the proposed single storey creche approx. 12 meters from the proposed Block 2 at 3 and 4 storeys and the design and siting of the associated vehicular set down does not form a strong and cohesive entrance design at this focal point.
4. The proposed entrance sequence at the north western site access to the pedestrian / cycle bridge over the railway and back into the town centre core does not provide for strong legibility and wayfinding.
5. The dominance of the bank of surface car parking spaces on entry and throughout the proposed development is contrary to the guidance set out in the Design Manual for Urban Roads and Streets (DMURS).

**Conditions attached** – 20 conditions.

## 10.0 Prescribed Bodies

10.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water:
- The Minister for Culture, Heritage and the Gaeltacht:
- Transport Infrastructure Ireland:
- National Transport Authority:
- An Taisce
- The Heritage Council:
- Fáilte Ireland:
- An Comhairle Ealaíonn:
- Relevant Childcare Committee:
- Iarnrod Eireann

### Iarnrod Eireann:

No objection. 22 number observations are made in the interests of safety in operation of the railway and conditions are recommended with respect to boundary treatment along the railway line, noise mitigation measure, vibration, wayleaves, construction practices, lighting, planting, overhanging.

### Irish Water:

Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

### Transport Infrastructure Ireland:

No observations to make.

## 11.0 Oral Hearing Request

None requested.

## 12.0 Assessment

12.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Fingal County Development Plan 2017 - 2023; Donabate LAP 2016 – 2022, relevant Section 28 Ministerial Guidelines; provisions of the Planning Acts, as amended and associated Regulations; the nearby designated sites; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- **Compliance with Planning policy**
- **Density and Design**
- **Visual Amenity and Landscape**
- **Connectivity, Traffic Impacts and Carparking**

- **Impact on Residential Amenity**
- **Other matters**
- **Appropriate Assessment**
- **Environmental Impact Assessment**

## 12.2. Compliance with Planning Policy

12.2.1. Having regard to the nature and scale of development proposed, namely an application for replacement of 97 units (35 houses and 62 apartments) and crèche with 174 apartments and crèche (including associated amendment to condition no. 22 of F17A/0113) I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.2.2. Donabate is designated as a 'Moderate Sustainable Growth Town (i)' in the Metropolitan Area of the county. Table 2.8 of the Fingal County Development Plan 2017 – 2023 identifies a potential capacity of 4056 residential units for Donabate. Development Plan objective SS17 applies:

*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.*

12.2.3. The development plan sets out a strategy for Donabate to:

*Protect and enhance the natural amenities and heritage of the Peninsula by consolidating future development within well-defined town boundaries. Promote the development of a vibrant town core by providing a high quality living environment for the existing and future population and providing for the development of the necessary community, commercial, cultural and social facilities in tandem with new residential development.*

12.2.4. The subject SHD site is within the development boundary for Donabate (Sheet No. 7) and is zoned 'RA' in the Fingal Development Plan 2017-2023 which seeks to 'provide for new residential communities subject to the provision of the necessary

social and physical infrastructure'. Residential development is 'permitted in principle' in this zone.

12.2.5. I shall deal with how the proposal interacts with surrounding land uses below.

Having regard to all of the above, I consider the principle of the proposed development to be appropriate at this location and in compliance with the zoning objective for the area, as set out in the operative Fingal County Development Plan.

### 12.3. **Design and Layout**

12.3.1. There are section 28 Ministerial Guidelines which should be considered in conjunction with the provisions of the Fingal County Development Plan and the Donabate LAP with regard to the overall design and layout of the proposed scheme. The most relevant of these are 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018' and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009' and the accompanying design manual. Both of these Ministerial Guidelines advocate high quality sustainable development that is well designed and built so as to integrate with existing or new communities. The Design Manual which accompanies the Sustainable Residential Development Guidelines provide best practice design manual criteria such as context, connections, inclusivity, variety, efficiency, layout etc.

12.3.2. In the Donabate LAP section 9.1.1 states that a footpath to connect development within the Corballis West lands to Donabate Village, via a new footpath along Hearse Road is required to facilitate the development of the Phase 1 lands. A new pedestrian / cycle bridge over the rail line is proposed to connect new development in this area to the village and train station. LAP section 8.2.4 states that a higher density of development will be essential at this location to ensure strong passive surveillance and good pedestrian footfall on the bridge link into the village. Architecturally significant frontage definition is required along this link route, to reinforce its importance and attraction as a key route from the village to the Demesne. The railway edge treatment must be carefully considered to allow for any future widening of the rail corridor, with buildings set back an adequate distance to cater for the rail reservation.

12.3.3. LAP section 8.3.1 notes that there is opportunity for increased heights and densities at locations closest to the village and railway station and states:

*The area providing the link between Newbridge Demesne and Donabate Village (via the new pedestrian/cycle bridge over the railway) also provides a key opportunity for higher density development, the design of which should sensitively extend the village of Donabate.*

12.4. The proposed scheme consists of 174 apartments in five 4 storeys high blocks, with a maximum ridge height of some 13.05m. It will deliver an additional 77 no. residential units across the entire site, together with open space, access roads and on street car parking. The scheme provides for a varied mix of dwelling typologies and sizes (1, 2 and 3 no. bedroom apartments) see section 3.0 of this report above for key elements of the proposed scheme. It is noted that the proposed apartments incorporate a higher quantum of 1 beds (67 no. 1 bed units) in the overall development than previously permitted (increase of 55 no 1 bed units from 12 no. permitted under FCC Reg. Ref. F17A/0113).

12.4.1. The proposal provides for 70 units/ha (or 39 units/ha based on cumulative / overall site area).

12.4.2. The development is set back from Hearse Road to retain the character of the route. Three of the five apartment buildings (Block 1, 2 and 3) are arranged in a similar pattern to those which are already permitted under Reg. Ref. F17A/0113. However, the position of these three blocks has been adjusted to increase the separation distance between same and the permitted dwellings to the north and south. Block 2 was previously set back approx. 36 m from the northern site entrance, whereas in the proposed scheme this setback of Block 2 from the entrance is now 41 meters. The separation between Block 1 and the dwellings backing onto the northern boundary was previously 18m, whereas with the proposed layout this separation distance is now 27m. Also, the height of block 2 now incorporates a 3 storey step down on the northern wing, to reduce the visual impact from both Hearse Road and the existing dwellings located within the adjoining Prospect Hill development (height of Block 2 varies from 9.5 – 13.05m). Blocks 4 and 5 are essentially two new additional apartment blocks which have been set out in a linear format adjacent to

the existing railway. The orientation of all the apartment blocks ensures there are no single aspect north facing apartments, none exceed a parapet height of 13.05m.

- 12.4.3. The planning authority has concern that the proposed campus style set back from the road and pathways of the buildings in conjunction with the splayed layout will not help to create pedestrian scale streets with good passive surveillance, in particular, along the route to the pedestrian / cycleway bridge over the railway to the village. It is contended that the proposed creche position contravenes condition no. 5 of Reg. Ref. F17A/0113. Notwithstanding, the location and proximity of the proposed single storey creche approx. 12 meters from the proposed Block 2 at 3 and 4 storeys and the design and siting of the associated vehicular set down does not form a strong and cohesive entrance design at this focal point. The planning authority recommend that the creche and drop off area should be omitted and that a revised location for the creche facility be the subject of a separate application for permission on lands previously approved for residential development within the larger site area in the ownership of the applicant / developer. Concern is also raised with respect to level and location of on-street car parking as proposed.
- 12.4.4. Third party concern is raised with respect to negative impact upon the character of the area, negative impact to residential amenity of existing properties, noise from creche, insufficient quantum of car parking proposed, overshadowing in particular from Block 2, density inappropriate, inadequate schools, childcare facilities, retail offerings, recreational facilities, pedestrian and cycle facilities and public transport.
- 12.4.5. Density at 70 units/ha is considered appropriate for this location and in compliance with relevant section 28 ministerial guidelines. Unit mix is good with 67 x 1 bed units, 87 x 2 bed, and 20 x 3 bed units proposed. This would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. The proposal for higher density at this location accords with Ministerial Guidelines and section 8.3.1 of the Donabate LAP.
- 12.4.6. The location of the childcare facility is also considered acceptable. It is anticipated that many users may live within the development and walk / cycle to it. It is located close to the northern most site entrance and would also be easily accessible for parents who live outside of the development. It is also well located on the future pedestrian routes to the rail station. There is a separate drop off / set down area and

3 car parking spaces proposed in the vicinity of the building. I agree that the proposed crèche has been sited and designed to enhance viability, protect the residential amenities with existing dwellings to the north, and reduce potential conflicts with residential amenities of the proposed apartment blocks. This is considered acceptable.

- 12.4.7. The design of the proposed scheme is contemporary in style with quality materials and finishes proposed. The applicant has submitted an assessment of Daylight, Sunlight and Shadow. The majority of apartments (>95%) have living room windows within 90 degrees of due south and this will provide good levels of access to sunlight. Of the 166 no. living rooms with windows within 90 degrees of due south, 82.5% exceed the guidelines and will receive adequate levels of sunlight throughout the year. A small number of apartments which are located near internal corners or have windows that face significantly north of east or west, will inevitably receive less sunlight. However, most of these units receive good levels of daylight and enjoys views of the landscaped open areas. With respect to overshadowing, all open amenity areas associated with each block and the creche was assessed for overshadowing and the sunlight levels comfortably exceed the BRE Guide. The shadow path diagrams also show that the impact the apartment buildings will have on the proposed housing units to be developed near this site and on existing housing to the north in Prospect Hill will be negligible.
- 12.4.8. The Traffic and Transportation Assessment outlines the proposed vehicular, pedestrian and cycle connection through the site, along with the status of the future surrounding road and pedestrian/cycle network connections, this is dealt with in greater detail under the heading 'Connectivity, Traffic Impacts and Carparking' in a succeeding section of this report. Permeability through the site is good as are connections with the wider area. This is not a gated community, there are good linkages through to the future proposed pedestrian / cycle bridge over the railway, to Hearse Road, to housing under construction to the south of the SHD lands and to the wider area.
- 12.4.9. Open space provision meets the 10% on site requirement which is acceptable. The revised layout maintains and increases the open space previously permitted under FCC Reg. Ref. F17A/0113 (Open spaces 1, 2 and 3) and provides several additional ancillary useable open space areas. Conditions recommended by the planning

authority parks department with respect to financial contribution in respect of additional play facility to be provided within Newbridge Demesne, landscaping plan to be agreed, proposed public footpath to the northern boundary of houses 232 and 233 to be amended to run directly abutting the boundary wall, protective fencing for trees and a tree bond, are duly noted. I agree conditions should be included in respect of any grant of planning permission forthcoming from the Board. A Design Statement was submitted with the application. Overlooking and passive surveillance of the open space areas is good. Private open space is provided in the form of semi recessed balconies and terraces to the apartments. Open space provision is attractive with good landscaping proposed and the proposal is generally considered to be in compliance with Development Plan standards in this regard.

12.4.10. The proposal has the potential to be an attractive place in which to live and work. The proposal to increase the density is considered appropriate given the location of the site and the proposal is not considered to represent overdevelopment of the site. Cognisance is had to third party submissions that this site is poorly served in terms of retail, recreational and public transport. However, this site is located proximate of Newbridge Demesne, it is c. 300 m from the railway station and a 10 minute walk to the town centre. I consider that it would constitute appropriate use of serviced lands within the development boundary of a Moderate Sustainable Growth Town.

## 12.5. Visual Amenity and Landscape

12.5.1. LAP objective 8.5 is to protect and enhance views along Hearse Road and retain the mature trees along the Newbridge Demesne boundary / approach road to the village. The LAP seeks to ensure that any new development along the southern side of Hearse Road (Corballis Lands) takes Newbridge Demesne into consideration. LAP objective 5.1 requires development proposals to include Visual Impact Assessments and Landscape Impact Assessments demonstrating compliance with LAP landscape and heritage objectives.

12.5.2. The applicant has submitted a photomontage booklet prepared by 3D Design Bureau, detailed cross sections of the site (Drg. Nos. P-301 to P-305), prepared by

- 12.5.3. It is the opinion of the planning authority that the proposal as currently presented gives rise to a number of concerns. Concern is raised with respect to the omission of a necessary landscape buffer for the north west of the site to protect the visual amenity on this important Hearse Road approach vista and the residential amenities of adjoining residential development established by planning condition no. 5 of F17A/0113 to omit housing from this specific area of the site. The planning authority considers that the visual impact of the proposed creche building materially contravenes condition no. 5 of F17A/0113.
- 12.5.4. I do not agree with the opinion of the planning authority in this regard, this permission clearly seeks to amend the previous permitted development. I consider that a balance must be struck between the achievement of appropriate vehicular access to the proposed creche building, along with associated hard standing relating to the circular vehicular set-down footpaths and parking within this area, and the protection of the special visual amenities of this approach to Donabate and the setting of Newbridge Demesne. The creche building is single storey and set back some 50 m from the entrance off Hearse Road and the western boundary. Landscaping is proposed.
- 12.5.5. The western portion of the site forms part of the approach to Donabate and is defined by the Demesne stone wall on one side and new housing on the other behind a planted buffer. A non-conforming industrial use currently occupies part of the frontage, but it is largely behind a planted edge and non-intrusive. The new buildings are discrete, wide fronted simple forms set behind trees. I agree that the northern entrance to the scheme has been configured so that the development appears to recede into the site by setting back the new buildings from the entrance and Hearse Road. I also note the landscape screening and proposals to enhance and protect screening along the northern boundary with dwellings in Prospect View.
- 12.5.6. Overall, I do not consider that the development would have such a negative visual impact upon Hearse Road or Newbridge Demesne or existing dwellings to the north such that the proposal should be refused. Proposed tree planting and associated

understorey planting at the entrance, to the north and western boundary assists in minimising views into the appeal site.

12.5.7. I am satisfied that the proposal will not unduly impinge on the character or setting of Newbridge Demesne. I am also satisfied that the proposal will not impact on the visual or residential amenities of the area, in particular the properties at Prospect Hill, to such an extent as to warrant a refusal of permission.

## 12.6. **Connectivity, Traffic, Transportation and Carparking**

12.6.1. Section 2(e) of the Traffic and Transport Assessment prepared by OCSC provides a detailed rationale for car and cycle parking provision in the proposed development, including 2 no. examples of Strategic Housing Developments (ABP Reg. Refs. 301818-18 and 301522-18) in comparable intermediate urban locations. It is noted that the proposed car and cycle parking facilities will be maintained by a management company appointed by the applicant/developer. In addition, OCSC has prepared a Mobility Management Plan which accompanies the planning application documentation.

12.6.2. The proposed development provides a combined total of 202 no. car parking spaces, consisting of 194 no. spaces (provided on the basis of 1 no. car parking space per 1 and 2 bedroom units and 2 no. spaces per 3 bedroom unit) to serve the residents of the proposed development, 5 no. visitor spaces (provided on the basis of 1 no. space per apartment block) and 3 no. spaces to serve the crèche facility (provided on the basis of 0.5 no. spaces per classroom).

12.6.3. The proposed development also provides a total of 391 no. bicycle parking space, of which 301 no. spaces will be long term bicycle spaces for the residents of the development (provided on the basis of 1 no. space per bedroom). Long term cycle parking is provided at the ground floor level of apartment Blocks 1, 2, 4 and 5, with an external sheltered and secure bicycle parking bay to serve Block 3 located proximate to the western boundary. 87 no. spaces are provided in the form of open bike stands directly adjacent to the entrance of each proposed apartment block. These open type stands are primarily intended for use by visitors rather than permanent residents of the proposed development (provided on the basis of 1 no.

space per 2 units). 3 no. bicycle spaces are provided proximate to the proposed crèche facility (provided on the basis of 0.5 spaces per classroom).

12.6.4. It is submitted that the proposed car parking provision accords with the underlying principles contained in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018), which seeks to reduce car parking provision in accessible locations that are proximate to rail stations, such as the subject site. Furthermore, it is noted that the application is accompanied by a Mobility Management Plan, with the objective to reduce car use and the need for car use at the site by increasing the attractiveness and practicality of other modes of transport.

12.6.5. The Traffic and Transportation Assessment outlines the proposed vehicular, pedestrian and cycle connection through the site, along with the status of the future surrounding road and pedestrian/cycle network connections:

- The Donabate Distributor Road, which connects to Hearse Road to the south of the site is currently under construction, with an expected completion date of Q3 2019.
- The localised upgrade and realignment works to Hearse Road to the west of the site, permitted under FCC Reg. Ref. F17A/0113 is currently under construction (approximately 75% complete) with an expected completion at the end of May 2019. The permitted works include the provision of new footpaths and public lighting, a new right turn lane into the southern entrance to the overall development site and a toucan crossing on Hearse Road to the north of the northern entrance to the overall development.

12.6.6. The applicant has engaged with the Planning Authority regarding the future provision of the pedestrian/cycle overbridge across the rail line in the north-eastern corner of the overall development site. OCSC, the project engineer for the proposed and permitted residential development has been appointed by the Planning Authority as the Civil & Structural Engineers for the planning, design and tender of the bridge. The bridge is to be progressed through a part 8 planning application and lanróid

Éireann CCE-TMS-310 approval. Currently CCE-TMS-301 Concept approval has been received from IAnród Éireann and Fingal County Council are undertaking internal consultation for the part 8 application. It is submitted and undisputed by the planning authority that a detailed programme has been prepared for the delivery of the overbridge, with construction expected to commence in April 2020 and a completion date at the end of December 2020, as part of Phase 5 of the development.

- 12.6.7. It is proposed that all construction traffic will use the R126 as far as the M1 Lissenhall Interchange from where it will continue along the M1 to a suitable disposal site. Similarly, all deliveries will approach the site via the M1 and R126. This will remove construction traffic from Donabate centre and residential areas.
- 12.6.8. 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.
- 12.6.9. The planning authority have raised concern with respect to the proposed entrance sequence at the north western site access to the pedestrian / cycle bridge over the railway and back into the town centre core and considers that it does not provide for strong legibility and wayfinding. Also the dominance of the bank of surface car parking spaces on entry and throughout the proposed development is considered contrary to the guidance set out in the Design Manual for Urban Roads and Streets (DMURS).
- 12.6.10. The Design Manual for Urban Roads and Streets (DMURS) provides guidance in relation to the design of urban roads and streets with the aim of creating streets that are safe, attractive and comfortable for all users. Section 4.4.9 states that on street parking has a finite capacity. The guidelines state that in residential areas “on-street parking alone can generally cater for densities up to 35-40 dwellings per hectare (net). Once densities reach 40-50 dwellings per hectare (net) the street will become saturated with parking and reduced parking rates (a max of 1.5 per dwelling) and / or supplementary off-street parking will be required. For densities over 50 dwellings per hectare, large areas of off-street parking, such as basements, will generally be required”. DMURS also recommends that “to reduce the visual

impact of parking the number of parking spaces per bay should generally be limited to three parallel spaces and six perpendicular spaces” and that “perpendicular parking should generally be restricted to one side of the street to encourage a greater sense of enclosure and ensure that parking does not dominate the streetscape”.

12.6.11. There is a Development Plan requirement for 271 car parking spaces to serve the residential element of this scheme and the applicant proposes 199 car parking spaces to serve the residential element. While it is surface car parking I consider this acceptable and I would note that the Sustainable Urban Housing Apartments Guidelines, DHPLG, March 2018, which promote reduced car parking provision in suburban / urban locations served by public transport or close to town centres (Section 4.21). I consider the appeal site to be a suitable location for reduced provision given the sites proximity to services and facilitates in Donabate and to bus and rail services. I would also note the level, location and type of bicycle parking provision, proposed in this development and consider that overall connectivity, traffic, transportation and carparking is acceptable in principle.

## 12.7. Other matters

### **Energy Efficiency and Green Roofs**

12.7.1. I note third party concern raised with respect to energy efficiency and the fact that green roof technology is not incorporated into the overall development. I consider that this matter can be dealt with by way of condition and compliance.

### **Conditions of relevance, required on foot of Reg. Ref. F17A/0113, parent permission.**

12.7.2. Condition no. 5 omits (6 no. units) referenced houses no. 03-08 (inclusive) located to the north west of the site adjacent to the most northern proposed access. This condition was attached to create a greater visual buffer between the residential development and Hearse Road in order to protect the high standard of landscaping and visual amenity on this important approach vista and connection between Donabate with Newbridge Demesne.

12.7.3. Condition no. 6 requires that prior to unit no. 201 being sold and occupied (Phase 2) that a new pedestrian and cycle bridge over the Dublin Belfast railway line connecting the lands to the east and Donabate shall be provided and operational.

- 12.7.4. Condition 12. Prior to the commencement of development, a phasing programme shall be submitted for the written agreement of the planning authority.
- 12.7.5. Condition 22. The creche shall be operational following the occupation of the first 75 units of this development.
- 12.7.6. I have considered the matter of Condition no. 5 earlier in this report and consider that it is acceptable for the applicant to seek to amend the layout as proposed.
- 12.7.7. Permission is specifically sought for the amendment of Condition 22 to accommodate the amendments to the layout, phasing, number and typology of units proposed in this application. I consider it is acceptable to remove the creche from the ground floor of block 3 and relocate it to a single storey standalone building close to the principal access to the site, to more sustainably utilise the space from where two storey houses had been omitted by condition in the permitted development, to enhance viability and to reduce potential conflicts with residential amenities.
- 12.8. 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). In this regard I have no issue with the revised phasing proposal and amendment of Condition number 22.
- 12.9. The application includes a revised phasing plan for the entire residential development site, incorporating the proposed amendments to the permitted development under FCC Reg. Ref. F17A/0113, (Drg. No. P-006). I consider the revised phasing plan is acceptable, given the improved mix of unit types proposed within the overall development, increasing the density proximate to the railway line and Donabate Town Centre, consistent with national policy for sites close to public transportation corridors and urban consolidation.

### **Construction phasing Programme**

- 12.9.1. A comprehensive Draft Construction and Environmental Management Plan (CEMP) has been prepared by OCSC Consulting Engineers in response to Item 2. The Draft CEMP provides details of construction traffic management, construction waste management and tree protection measures. It is noted that a Demolition and Construction Waste Management Plan has been prepared by Byrne Environmental and is submitted with the planning application documentation.

- 12.9.2. The CEMP details the location of the construction compound, the anticipated quantum and routing of construction traffic, site parking provision and mitigation measures proposed.
- 12.9.3. I am satisfied that impacts arising principally from the construction phase of the proposal can be adequately addressed through best practice construction management. There may be some noise disruption during the course of construction works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

#### **Northern boundary Wall Finish**

- 12.9.4. Submissions refer to the proposed finish of the northern boundary wall and that it should be the case that the finish should be consistent with other finishes of walls relating to the area. Having regard to the requirement under Condition no. 8 of Reg. Ref. F17A/0113 that walls relating to approaches to Newbridge Demesne should be of limestone. This matter can be dealt with by way of condition.

#### **Drainage**

- 12.9.5. Concern is raised with respect to a drainage pipe which is laid across the front garden of No. 8 Prospect Hill and the rear garden of No. 7, the wayleave pertaining to same and potential for flooding should the drainage pipe be damaged. This matter can be dealt with by way of condition.

#### **The issue of project splitting – Requirement for EIA**

- 12.9.6. The issue of project splitting has been raised in the submissions received in relation to the environmental assessment of the proposal. It is contended that there is a requirement for an EIS, including sub – threshold EIA. The robustness of the AA screening is also queried.
- 12.9.7. The planning authority has addressed this issue in their Chief Executive Report and I would concur with their assertion. The LAP lands were subject to Strategic

Environmental Assessment and Appropriate Assessment which informed and established mitigation measures aimed at achieving sustainable development and a high level of protection for the environment. This included the green infrastructure network and habitat mitigation measures and the detailed SuDS policies for development within the LAP area. The subject proposal is for amendments to a permitted development, albeit to increase the number of units. EIA is not mandatory for the proposed project and I do not consider that there is a sub-threshold requirement. The Environmental Report, carried out by Declan Brassil & Co. Ltd, is noted and considered acceptable.

12.9.8. In addition, screening for AA was carried out, by Faith Wilson Ecological Consultants, and a report submitted. It is concluded that there would be no negative impacts on the qualifying interests of any Natura 2000 sites within a 15Km radius of the proposed development. Based upon the information provided and by applying the precautionary principle, it was determined that it was possible to rule out likely significant impacts on any Natura 2000 site and therefore it was not deemed necessary to undertake any further stage of the Appropriate Assessment process. This is considered acceptable. The matters of AA and EIA are considered, in further detail, in the preceding section of this report.

#### **12.10. Appropriate Assessment (AA)**

12.10.1. The following Natura 2000 sites occur within a 15km radius of the site:

- 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).
- Broadmeadow / Swords Estuary SPA (004025)

12.10.2. There are no Natura 2000 sites located either within or directly adjacent to the proposed development. The most relevant of the protected sites is Malahide Estuary SAC/SPA the boundaries of which are in close proximity to the site (c. 550m away to the south.) Section 2.2 of the report states that 'this site will be hydrologically connected to the proposed development as the surface waters from the site ultimately drain to this site'.

12.10.3. The appeal site is a serviced site on the edge of Donabate and is occupied by open agricultural land and field boundaries that consist of native hedgerows and some earthen banks. Lands to the south are under construction for housing, permitted under F17A/0113 (Phase 1 and 2), some of the subject site has also been cleared and used for storage and access purposes. There are no watercourses within the site or in the immediate vicinity. There are limited relevant pathways between the development and the aforementioned sites.

12.10.4. There would be no loss of significant habitat. I am satisfied that the proposed construction management methodology, which is standard and robust, 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.

12.10.5. 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.

## Screening Conclusion

12.10.6. 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), 004025 (Broadmeadow / Swords 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.

### 12.11. Environmental Impact Assessment

12.11.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 13.0 Conclusion and Recommendation

13.1. In conclusion, I consider the principle of increased density and apartment development to be acceptable on this site. I note the Chief Executive report of the planning authority, which recommends a refusal of permission but given the proximity of the lands to the train station and town centre it is considered that a higher density residential development is acceptable. I am of the opinion that this is a zoned, serviceable site in proximity of an established built-up, urban area where a wide range of services and facilities exist. I have no information before me to believe

that the proposal, if permitted, would put undue strain on services and facilities in the area.

- 13.2. Having assessed the file, I am satisfied that the proposal will not unduly impinge on the character or setting of Newbridge Demesne. I am also satisfied that the proposal will not impact on the visual or residential amenities of the area, in particular the properties at Prospect Hill, to such an extent as to warrant a refusal of permission.
- 13.3. I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

## 14.0 Reasons and Considerations

14.1. Having regard to the following:

- (a) the site's location c. 300 m from the railway station and the town centre, on lands with zoning objective 'RA' which seeks to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure' in the Fingal County Development Plan 2017 – 2023.
- (b) the detailed programme prepared and commitment by both Iarnrod Eireann and Fingal County Council for the delivery of the pedestrian/cycle overbridge across the rail line, in the north-eastern corner of the overall development site, with construction expected to commence in April 2020 and a completion date at the end of December 2020.
- (c) the policies set out in the Fingal County Development Plan 2017 – 2023.
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013

- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area, and
- (l) the report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenity of the area, would not detract from the character and setting of Newbridge House / Demesne, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development 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 any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:

- (i) A revised layout shall be provided that accommodates pedestrian footpaths running along both sides of all access roads in the proposed development.
- (ii) The height and limestone finish of northern boundary wall which form the boundary to the north west of the site and abut houses in Prospect Hill.

**Reason:** In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

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

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. In particular:

- (i) Site layout drawing accurately reflecting the various surface treatments,
- (ii) Drainage Calculations
- (iii) Revised attenuation structural design including sections.

- (iv) No surface water / rain water shall discharge into the foul sewer system.
- (v) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.
- (vi) The developer shall clarify impact, if any, upon the drain and wayleave serving dwellings 7 and 8 Prospect Hill to the north of the site.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

5. Each apartment shall be used as a single dwelling unit, only.

**Reason:** To prevent unauthorised development.

6. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) Pedestrian crossing facilities shall be provided at all junctions;

(d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, and

(e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the

compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

7. Mitigation and monitoring measures outlined in the plans and particulars, including the environmental impact assessment report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

8. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

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

9. (a) A detailed Planting Plan and Hard Landscaping Plan shall be submitted and agreed with the planning authority prior to the commencement of any development on this site.

(b) Additional planting shall be provided along the western boundary of the northern section of the site to create a sufficient natural buffer.

(c) Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial

completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

(d) A tree bond of 20,000 euro is to be lodged with the council prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of the development. This bond shall be held for a period of three years post construction which may be extended in the event of possible construction related defects.

**Reason:** In the interests of amenity, ecology and sustainable development

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenity of property in the vicinity and the visual amenity of the area.

11. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 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 amenities of property in the vicinity.

12. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development

13. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

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

14. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

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

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

16. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement in writing.

**Reason:** To provide for the orderly development of the site

17. No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the site, unless authorised by a further grant of planning permission.

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

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

**Reason:** To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

19. 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 a demolition management plan, together with details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

20. The developer shall pay to the Planning Authority a financial contribution under section 48 of the Planning and Development Act 2000 (as amended) and the County Development Plan 2017 - 2023, in lieu of the provision of a playground of an area of 308 sq. m (77 additional residential units by 4 sq. m play space per unit) within the grounds of Newbridge Demesne. This contribution shall be paid prior to commencement of development or in such phase payments as the Planning Authority may facilitate

**Reason:** For the provision of improvements or enhancement of existing amenities in the local area given the 6.3% shortfall in public open space provision

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

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

22. The developer shall comply with all requirements of Iarnrod Eireann in relation to boundary wall and existing hedging along the railway line, security of the railway boundary, access, railway mounds and ditches, surface water, integrity of cutting, use of cranes adjacent to the railway boundary, wayleaves, overhanging, light spill,

and informing future potential purchasers and / or tenants of possible noise and vibration that might be expected due to railway operations and maintenance.

**Reason:** In the interest of safety and the proper planning and sustainable development of the area.

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Fiona Fair

Planning Inspector

10<sup>th</sup> July 2019

#### **APPENDIX A- List of submissions received**

1. Adrian Henchy
2. Bernard Traynor
3. Corina Johnson
4. Gareth Lee
5. Irish Water
6. Transport Infrastructure Ireland (TII)