



An
Bord
Pleanála

Inspector's Report ABP 306844-20

Development	Upgrade of the existing road over a distance of c.120 metres.
Location	Jct. Park Avenue (West) / Malahide Rd. (East), Streamstown, Malahide, Co Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0446
Applicant	Streamview Connect Trading DAC
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant	Streamstown Wood Owners Management Company
Observer(s)	Lorcan Dowd
Date of Site Inspection	28 th July 2020
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.11ha) comprises a 120m section of Streamstown Lane running in an east-west direction between the Malahide Road (R107) to the east and the junction of Park Avenue to the west. Streamstown Lane links with Carey's Lane at its western end before turning sharply in southern direction and continuing to link with the Feltrim Road further to the south. Streamstown Lane provides access to a number of individual residential dwellings and housing developments including Streamstown Wood, Clairville Lodge and Park Avenue. Two vehicular entrances serving separate residential dwellings (Clarin Lodge and Greenfield) are located on the northern side of the lane and two vehicular entrances serving separate residential dwellings (Woodbrook House and The Hamptons) are located on the southern side of the lane. The road is constructed of tarmac, relatively level and has a width of 4.0 - 4.15m. The roadside boundaries are defined with mature trees and hedgerow on both sides and a ditch runs along on the southern side of the lane. There are no footpaths on either side of the road. The road junction at the eastern end of the lane where it adjoins the Malahide Road is T-shaped. A Dublin bus stop is located along the Malahide Road, to the north of the junction with Streamstown Lane. The lane is located within a 50 km/hr speed limit zone, and the adjoining section of the Malahide Road (R107) is subject to a 60 km/hr speed limit. The site is located c. 2km south-west of Malahide.

2.0 Proposed Development

2.1. Permission sought for the following;

- Upgrade of the existing road over a distance of 120 metres.
- Increase the width of the road to 5.5 metres.
- Provision of a 2 metre wide footpath and 1.2 metre high rubble stone wall on the southern side of the road.
- Provision of 125mm high kerbs on both road edges.
- Relocation of 1 no. existing vehicular entrance on the southern side of the lane c. 26 metres to the east.

- Associated drainage gullies, lining and works to entrances.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council granted permission for the proposed development subject to 6 no. Conditions. Noted Conditions are summarised as follows:

Condition No.2 The applicant shall comply with the following;

- a) The proposed 600mm diameter sewer shall be extended to the full length of the road works. Additional gullies and manholes shall be installed as appropriate.
- b) The tie-in details of the sewer at both ends shall be in accordance with the requirements of the Roads Area Engineer.

Condition No.4 The applicant shall comply with the following:

- a) The table-top ramp at the junction of Park Avenue and Streamstown Lane shall be omitted.
- b) No objects, structures etc. shall be placed or installed within the visibility triangle exceeding a height of 900mm, which would interfere or obstruct the required visibility triangle.

3.2. Planning Authority Reports

Planning Reports

3.2.1. *Initial Report (08th November 2019)*

- The Applicant has not supplied an existing site layout of the subject section of Streamstown Lane.
- The Applicant is proposing to relocate the existing vehicular entrance serving 'The Hamptons' c.26m to c.28m to the east of existing location. The applicant should submit a drawing detailing this.

- The proposed development would not impact on the visual amenity of the area.
- The proposal would not prejudice the functionality of the Streamstown Road as a key piece of local infrastructure and would not impact on the residential amenity of the area.
- The proposed upgrade works will facilitate the development of zoned lands within the vicinity.
- The proposed widening of the lane will require the removal of the trees adjoining the southern boundary of the road. This will include 9 no. trees and two tree groups. 10 no. trees and groups of trees along the lane are of low quality and value and 1 tree is of poor quality. The loss of roadside trees will have a visual impact on the area due to their prominent location.
- Although it is highlighted within the Streamstown LAP that trees are to be protected and preserved, it is not possible to widen the road and incorporate a footpath without the removal of trees. Since the northern boundary tree cover is of better quality, it is considered more appropriate to undertake the development on the southern side of the road.
- The application is borne from the need to upgrade the roadway to facilitate access to the development of dwellings (as permitted in 2018) or any future application for housing on that same site. It is important that road upgrade works occur in advance of the delivery or occupation of housing at Streamstown Wood.
- Transportation considerations – refer to Section 3.2.9 below.

3.2.2. **Further Information** was requested requiring the following:

1. Submit an site layout plan showing the location of all existing vehicular entrances along the subject section of the Streamstown Lane.
2. Clarify the discrepancy between the Engineering Assessment Report and Dwg. No. P130 in relation to the sightlines at the 3 no. vehicular entrances along Streamstown Lane.
3. Submit a revised sightline drawing indicating the provision of 65m sightlines in each direction at the junction of Streamstown Lane and the Malahide Road.

3.2.3. Further Information was received on the 28th November 2019.

3.2.4. **Second Report (16th December 2019)**

- Concerns were raised in a letter of objection as to why this application has been made separate to an application for residential development at phase 2 of Streamstown Wood under P.A. Ref. F19A/0452. The Planning Authority note that this issue has been dealt with as part of the assessment of P.A. Ref. F19A/0452 and will in the event of a grant of permission under the aforementioned application ensure, via a Condition, that the proposed works under the subject application be undertaken simultaneously.
- A Condition will be imposed requiring that street lighting will be provided along this section of the upgraded road, in accordance with Council requirements.
- Transportation considerations – refer to Section 3.2.9 below.

3.2.5. **Clarification of Further Information** was requested requiring the following:

1. Clarify how the required envelope of visibility (sightlines of 45m in a westerly direction) from the Park Lane entrance and Woodbrook House entrance will be achieved. In particular, the Applicant shall clarify what works are proposed to the boundary treatment to the left of the Park Lane entrance.
2. Submit a definitive single drawing of the development showing how it ties in with the Malahide Road and the current application being assessed under P.A. Ref. F19A/0452.

3.2.6. Clarification of Further Information was received on the 06th February 2020

3.2.7. **Third Report (27th February 2020)**

- The revised Consulting Engineers report outlines how the required sightlines can be achieved through the use of a raised table at the junction of Park Avenue and Streamstown Lane.

- The applicant confirms that the proposed works are not reliant or will impede upon the upgraded footpath, granted permission under P.A. Ref. F16A/0318.
- The drawings submitted provide the Planning Authority with a clear picture of how the proposed road upgrade will tie in with the proposed residential development (Phase 2 of Streamstown Wood) which is currently under assessment under P.A. Ref. F19A/0452, the Malahide Road and the existing vehicular entrances along the subject section of Streamstown Lane.
- It is considered that the proposed upgrade to the subject section of Streamstown Lane would be a benefit to the surrounding area, allow for zoned land to be developed and be in accordance with the proper planning and sustainable development of the area.
- Transportation considerations – refer to Section 3.2.9 below.

3.2.8. Other Technical Reports

3.2.9. Transportation Planning Section:

Initial Report:

- The works are consistent with the Streamstown LAP.
- The provision of a pedestrian footpath linking Streamstown Wood with the R107 is part of a grant of permission for Streamstown Wood development that has never been completed. The subject application addresses this issue and upgrades the road to facilitate the development of the remainder of the LAP lands and is a welcome development in this regard.
- There is conflicting information provided in the documentation submitted. Specifically, the Engineering Assessment Report submitted refers to each of the three access on to Streamstown Lane having sightlines of 45m in each direction, in compliance with Design Manual for Urban Streets and Roads (2013). However, Drawing No. P130 indicates the proposed accesses with sightlines of only 33m which corresponds to a speed limit of only 30 km/hr. This is below standard.
- Sightlines at the junction of Streamstown Lane and the R107 have been shown as 49m which is sufficient for a 50km/hr on a bus route.

- The R107 has a posted speed limit of 60 km/hr along the section of the road either side of the junction. Sightlines should be 65m in each direction as a consequence. Sightlines to the north can be taken to the centreline of the road as there is a continuous white line at this location. There is scope to achieve the required sightlines and this should be addressed as part of the proposed development.
- Conclusion: Further Information Requested.

Second Report:

- The Applicant is requested to clarify how the required envelope of visibility from the Park Lane entrance and Woodbrook House entrance will be achieved. In particular, the Applicant is requested to clarify what works are proposed to the boundary treatment to the left of the Park Lane entrance.

Third Report:

- The Transportation Planning Section acknowledge the points made by the applicant whereby further improvements at the junction of Park Avenue and Streamstown Lane are not within the Applicant's control to deliver and that the provision of setbacks and a footpath to the west of the junction is a requirement of development permitted under P.A. Ref. F16A/0381 and its failure to comply is an enforcement issue.
- The extent of the subject application improves the sightlines at the existing junction, albeit to a small degree, which is an improvement.
- The table-top ramp at the junction of Park Avenue and Streamstown Lane is part of a traffic calming system and is included in the concurrent application P.A. Ref. F19A/0452. The two ramps must be provided together as any traffic calming involving ramps needs to include a minimum of two ramps. It may be more appropriate to omit the ramp in the subject application as it is already addressed in the concurrent application which provides the two ramps, whereas the current application only provides for one and consequently could not be provided in isolation were the other application to be refused.
- Conclusion: No objection subject to Conditions.

3.2.10. Economic Enterprise & Tourism Development Department – Property Services Division

- Consent given only to the inclusion of those lands in the charge of Fingal County Council as shown coloured blue on drawings no. DEV. GEN.ST for the purposes of the application for planning permission and no other purpose.

3.2.11. Water Services Section:

- No objection subject to Conditions

4.0 Planning History

4.1.1. Subject Site

None for subject site.

4.1.2. Southern side of Streamstown Lane

Hampton House

P.A. Ref. F19A/0541 Permission GRANTED in July 2020 for the construction of 5 number detached two storey dwelling houses and associated site works including landscaping, boundary treatment and new vehicular access off Streamstown Lane, new pedestrian footpath and 1.2 meter high rubble stone boundary wall along Streamstown Lane, all associated services including waste water and water connections a site of circa 1.71 acres / 0.69h.

Woodbrook House

P.A. Ref. F19A/0256 Permission REFUSED in August 2019 for a new permanent 3.6 metre wide vehicular entrance gate from Woodbrook House accessing onto Park Avenue, Streamstown Lane. The Reasons for Refusal are summarised as follows:

Reason No. 1: The applicant has not demonstrated to the satisfaction of the Planning Authority that the required sightlines at this location can be obtained in an acceptable manner.

Reason No. 2: Given the absence of a footpath on the eastern side of Park Avenue and the absence of the required sightlines, to permit the proposed entrance and vehicular roadway in its current form would lead to a conflict between pedestrian and road users.

Reason No.3: The proposed development would result in the significant loss of mature hedgerow which provides visual amenity to the inhabitants of Park Avenue and Streamstown Wood. Such development would significantly impinge upon the visual amenity and would be contrary to the RS zoning which seeks to 'provide for residential development and protect and improve residential amenity'.

Streamstown Wood:

P.A. Ref. F19A/0452 & ABP Ref. PL06F.307020 CURRENTLY ON APPEAL - Permission GRANTED by the Planning Authority in March 2020 for the construction of 57 No. residential units of detached, semi-detached, and terraced housing units. Vehicular access to the development is to be provided from Streamstown Wood to the South, and Park Avenue to the East. The Park Avenue entrance walls will be reconfigured. Two semi-detached dwellings will face onto Streamstown Lane. The boundary wall to the north of the site shall be 2.4 metres high. The boundary fence to the East shall be 2.4 metres high. The proposed development includes associated landscaping including the completion of the existing open space, public open space, boundary treatments, site infrastructure (including internal roads, storm and foul sewers, SuDS and connection to the public systems), utilities, and all associated site development works on a site of c. 2.65ha.

P.A. Ref. F18A/0168 Permission GRANTED in May 2019 for alterations to previously approved development (P.A. Ref. F13A/0443 and ABP Ref. PL06F.243435) which permitted 22 no. two storey plus attic level dwellings. The proposed alterations consist of: (i) an increase in the site area of the previously approved development from 2.44 hectares to 2.57 hectares, to include a portion of land immediately north-west fronting Streamstown Lane, and associated alterations to the application site boundary (red line area); and (ii) alterations to previously approved house types and unit mix to

increase the number of dwellings from 22 to 32 no., private open space, internal access roads, footpaths, landscaping, boundary treatment, street lighting, SuDS drainage and all ancillary site development works necessary to facilitate the development.

P.A. Ref. F13A/0443 & ABP Ref. PL06F.243435 Permission GRANTED in October 2014 for the construction of 24 No. detached residential units to form phase 2 of the partially completed residential development previously permitted under reg. reference F06A/1576. Access will be via the existing entrances permitted under P.A. Ref. F06A/1576 to the new estate roads, new estate roads with public lighting, to include a footpath link from the application site to the Malahide Road, landscaping to include the provision of amenity open space, all services including foul sewer connections will connect to existing services as constructed as part of Streamstown Wood phase 1 planning reg. reference F06A/1567, and all other associated site development works; all on 2.44 hectares (6.04 acres).

P.A. Ref. F06A/1576 Permission GRANTED in May 2007 for the demolition of the existing derelict outbuilding (68.74 sq m) and the construction of 22 detached residential units, provision of new entrance to the west of the site, to include new boundary wall and entrance piers, widening Streamstown Lane from 3.1 m wide to 5.5 m wide from Feltrim Road to the proposed site entrance, including public lighting, new estate roads with public lighting, to include a footpath link from the application site to the Malahide Road, storm water attenuation works, foul and storm water drainage, including a link to public sewer off Malahide Road, landscaping to include the provision of amenity open space, and all other associated site development works.

Amberly House

P.A. Ref. F16A/0381 Permission GRANTED in May 2017 for revisions to previously approved application F15A/0004 comprising: (i) A change of house design to a larger 2 storey, part 3 storey dormer, 5 bed detached residential dwelling circa 456 sq.m. including increased site area of circa 61.8 sq.m. (ii) Demolition of existing boundary wall & vehicular entrance gate to Streamstown Lane and construction of new set back

boundary & vehicular entrance comprising stone wall and stone piers. (iii) New boundary fence to adjoining properties. (iv) All services including connection to foul sewer. (v) and all other associated site development works on a site of 0.1075ha.

P.A. Ref. 15A/0004 Permission GRANTED in July 2015 for (i) the construction of 2 number two storey, 4 bed detached residential dwellings each of c. 198.3 sq.m. (ii) demolition of existing boundary wall & vehicular entrance gate to Streamstown Lane & construction of new set back boundary & vehicular entrances comprising stone wall & railings with stone piers. (iii) new boundary fences between proposed properties and adjoining properties. (iv) all services including connection to foul sewer. (v) and all other associated site development works at site in the garden of Amberley.

4.1.3. **Northern side of Streamstown Lane:**

Lands to the rear/ north of Greenfield House (accessed off Streamstown Lane)

P.A. Ref. F20A/0206 – CURRENT APPLICATION under consideration by the Planning Authority – Permission sought for the construction of a proposed new detached two storey dwelling to the rear of the existing house, Greenfield House. A proposed foul service connection via the adjacent property, Charville Lodge. A proposed new access driveway off Streamstown Lane with works to the front boundary of Greenfield to provide for a new vehicular access, landscaping and boundary treatments and all associated site works. Application lodged on the 08th May 2020.

Greenfield House

P.A. Ref. F08A/0735 Permission GRANTED in April 2009 to demolish the existing dwelling and to construct a replacement two storey dwelling over basement with raised ground floor level and habitable rooms and dormer windows at attic/roof level. The existing septic tank to be replaced by Biocycle wastewater treatment system. Vehicular access to be via existing entrance.

Lands adjacent to Shadowlands:

P.A. Ref. F19A/0277 Permission GRANTED in March 2020 for alterations to previously approved permission F17A/0548 for 8 houses on a site of circa 0.7627ha including a new entrance and boundary treatment of granite wall to Streamstown Lane, all related roads, pavements, boundary treatment, landscaping, drainage and services on lands adjacent to Shadowlands.

P.A. Ref. F18A/0332 Permission GRANTED in September 2018 for alterations to previously approved Permission F17A/0548 for 8 houses, on a site of 0.7627 Ha.

P.A. Ref. F17A/0548 Permission GRANTED in February 2018 for 8 no. houses. New entrance and boundary treatment of granite walls and railings to Streamstown Lane; and including all related roads, pavements, boundary treatment, landscaping, drainage and services.

5.0 Policy and Context

5.1. Development Plan

Fingal County Development Plan 2017-2023 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is located within lands zoned objective 'RA' which seeks to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure'.

Specific Objective: The site is designated with a map based Specific Objective, detailed as Master Plan Area MP 9.A.

Objective MALAHIDE 11 seeks to 'Prepare and/or implement the Streamstown Masterplan (see Map Sheet 9, MP 9.A)'.

Note: This Masterplan has not yet been adopted by the Planning Authority.

Chapter 4 – sets out the main elements to be included in this Masterplan, as follows;

- Facilitate low density residential development reflective of the character of the area.
- Protect and preserve trees, woodlands and hedgerows within the Masterplan area.
- Preserve the tree lined approach to Malahide along the Dublin Road.

- Facilitate high quality sustainable development that protects and enhances the sensitive historic and natural setting of Auburn House and integrates new development with the conservation and preservation of the Protected Structure, its curtilage and protected trees.
- Retain visual corridors to/from Auburn House through the establishment of a visual buffer to the east of Auburn House.
- The area for development north of Auburn House is considered a sensitive development zone, whereby a maximum ridge height of 6m should be applied.
- Provide for a pedestrian / cycle route along the Auburn House Avenue to Malahide Road.
- Ensure pedestrian connectivity between Auburn House Avenue and Abington/Gaybrook/Castleheath.
- The lands will be the subject of a detailed flood risk assessment.

Objective NH27: Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management.

Objective DMS77: Protect, preserve and ensure the effective management of trees and groups of trees.

Objective DMS129: Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

Objective DMS129: Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

Objective MT13: Promote walking and cycling as efficient, healthy, and environmentally-friendly modes of transport by securing the development of a network of direct, comfortable, convenient and safe cycle routes and footpaths, particularly in urban areas.

Note: The Streamstown Local Area Plan 2009 – 2015 was extended for a period of 5 years up to the 9th February 2019. This has now expired.

5.2. Other Relevant Government Guidelines

Design Manual for Urban Roads and Streets (2019)

5.3. Natural Heritage Designations

The site is located c. 2km to the south-west of the Malahide Estuary SPA (Site Code: 004025) and SAC (Site Code: 000205).

6.0 Environmental Impact Assessment - Preliminary Examination

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A third-party appeal was received from Streamstown Wood Owners Management Company, against the decision made by the Planning Authority to grant permission for the proposed development.
- 7.1.2. At the outset, the Appellant states that they are in favour of road improvements along Streamstown Lane, as currently the road is dangerous for pedestrians, due to the lack of paths and lighting on long sections and for cars due to the single lane sections, blind single lane bends and crumbling road surfaces. Notwithstanding this, the Appellant is objecting to the proposed development. The main grounds of appeal are summarised under the headings below;

7.1.3. **Sightlines at the Park Avenue / Streamstown Lane junction**

- The required 45m sightlines at the Park Avenue / Streamstown Lane junction are unachievable due to a section of path not yet constructed under another planning application. Fingal County Council Transport Planning Section have confirmed this.
- It is the understanding of the Appellant that these are issues outside the control of the Applicant of that application which stop this section of path being completed in the foreseeable future.
- Planning permission cannot be granted for the proposed development on the grounds that this section of path will be completed in any good time or before the junction becomes functional, if ever.
- The proposed raised table on the junction, which would have slowed traffic and reduce the sightlines required, has been omitted by way of Condition.
- The Appellant questions the validity of this table without consultation with local residents but now cannot see how the application can be approved without it.
- The issue of safety has become more concerning following a recent serious car crash at this location.

7.1.4. **Street Lighting**

- A street lighting plan has not been submitted with the application.
- The Chief Executive's Order stated that this issue would be dealt with by way of Condition. This has not been included in the Conditions of permission.

7.1.5. **Proposals connection with concurrent application P.A. Ref. F19A/0452 (now on appeal under ABP Ref. PL06F.307020).**

- The subject application has a direct connection with another planning application before the Planning Authority for housing under P.A. Ref. F19A/0452.
- Previous applications for housing on the site have had changes to the road as part of the application.

- With this application now separate, there is no way to guarantee that it will happen in advance of the other application, if at all.
- If the other application is not granted, there is little chance of urgently needed road improvements ever happening.
- A Condition should be attached stating that all works included should be completed prior to the granting of any housing in the area.

7.1.6. **Vehicular entrance serving Streamstown Wood**

- The subject application is to facilitate the proposed development of 57 houses, under P.A. Ref. F19A/0452, currently on appeal under ABP Ref. PL06F.307020.
- Access to this development will be through both the junction included under the subject application and a second existing entrance further to the west.
- This second entrance will be the busiest entrance as it is the route to and from the M1 and M50 motorways. The Appellant states that this is a more serious safety issue than the area in the subject application due to the longer single width stretches, the blind bend and lack of footpaths and lighting. Photos submitted showing the approach to that entrance.
- A new application must be submitted to include a solution for the other entrance as it is not included in that application.

7.1.7. **Removal of Trees**

- There are a large number of trees to be removed to facilitate the proposed development.
- The Fingal County Development Plan states that there should be as little impact as possible on existing trees and hedgerows in the area.
- There is no plan to replace any trees marked for removal.
- Any removed trees should be replaced with new mature trees to retain the rural woodland look of the area.

7.2. Applicant Response

The response received from John Spain Associates, Planning & Development Consultants, representing the Applicant, is addressed under the headings below;

7.2.1. Sightlines at the Park Avenue / Streamstown Lane junction

- The resolution of the issue of the western sightline will be addressed with the completion of the partially finished planning application P.A. Ref. F16A/0381. This will include the widening of the road and the extension of the footpath eastwards to the Streamstown Lane / Park Avenue junction.
- This is a matter that Fingal County Council are pursuing with the relevant landowners.
- The proposed 45m sightline to the west at the Park Avenue / Streamstown Lane junction is reliant on the completion of a section of footpath approved and conditioned under F16A/0381. As set out in the Clarification of Further Information response, this footpath should be completed as per the planning permission or the Planning Authority could take enforcement proceedings to see it implemented.
- The junction is an existing junction, which is already functional and serving existing residential units. The proposed works provide for a safer environment for pedestrian, cycle and vehicular traffic along Streamstown Lane.
- Condition No. 3 of permission granted under P.A. Ref. F19A/0446 requires that 'prior to commencement of development, the applicant shall undertake and complete the required works to Streamstown Lane, as permitted under Reg. Ref. F19A/0446'. Therefore, the occupation of the proposed housing development will require the full road upgrade to be completed.
- The Planning Authority considered that the road upgrade could be enhanced with the provision of a raised table. They were not satisfied that this was the optimal outcome for the road, because the extent of the site area (the area within the red line) did not include the junction with Carey's Lane, which the Planning Authority are seeking to be a raised table – refer to P.A. Ref. F19A/0452.

- As no intensification of use was arising under this application, the Planning Authority was satisfied, without the raised table, that the proposed development represented a significant improvement on current conditions.

7.2.2. **Street Lighting**

- The Applicant is willing to include street lighting if the Board agree that it would be desirable.
- The Applicant has submitted a public lighting report and plans for the proposed development, prepared by MandE Consulting Engineers.

7.2.3. **Proposals connection with concurrent application P.A. Ref. F19A/0452 (now on appeal under ABP Ref. PL06F.307020).**

- The subject application for road upgrades was separated from the concurrent housing application P.A. Ref. F19A/0452 as there are two potential residential developments proposed on Streamstown Lane and an upgrade of the road would be required to accommodate these.
- Pursuing the upgrade of the road in a separate application reduces the likelihood of the road upgrade being delayed, as any developer can implement this permission. This would not be the case if the road upgrade was tied to a housing application. The Applicant puts forward that there is a net benefit that the road improvements can be acted upon by either developer.

7.2.4. **Vehicular entrance serving Streamstown Wood**

- The other section of the road is outside the red line of the subject application and is not within the control of the applicant.
- The provision of the subject road upgrade from Park Avenue to the Malahide Road results in a continuous footpath from Malahide road to Carey's Lane over an overall length of c.300m serving all residents along this length of roadway and providing direct pedestrian access to bus services, Malahide Village and Malahide Castle grounds.
- The western access, which provides access towards the M1 access is via the upgraded section of the Streamstown Lane. Upgrade works were carried out on this section of road as part of Phase 1 of the Streamstown Wood development

permitted under P.A. Ref. 06A/1576, to provide improved pedestrian and vehicular access to the Feltrim road.

- The approved housing scheme F19A/0452 now provides for further footpath upgrades ensuring footpath provision along c. 740m of the c.800m from Malahide Road to Feltrim road. This allows for vehicular and pedestrian permeability through Streamstown Wood.
- The proposed road upgrading offers a significant improvement to existing and future residents by improving junction safety by increasing visibility and lighting generally, improving pedestrian safety by providing additional footpaths and improving lighting generally.

7.2.5. Removal of Trees

- As part of the proposed development, new trees will be planted.
- Referred to ODA Architecture Drawing submitted with the application.
- There is no space for street trees on the public footpath.

7.3. Planning Authority Response

7.3.1. *Response received on the 09th April 2020*

- The Planning Authority guides the Board to the reports of the Transportation Planning Section which clearly address the concerns raised relating to traffic safety along this section of Streamstown Lane.
- The Streamstown area has undergone significant change in the recent past. There is a large area of serviced zoned lands which will provide for residential development. Given the current housing shortage being experienced, the Planning Authority remain of the opinion the proposed upgrade works will be a benefit for the surrounding area and allow for the development of zoned lands.
- A concurrent planning application P.A. Ref. F19A/0452 was lodged for the provision of 57 no. dwellings on a site which is accessed via Park Avenue. Concerns were raised by the Appellant that the works proposed to the road may not be undertaken in advance of the proposed housing development. Permission was granted under P.A. Ref. F19A/0452. Condition No. 3 of this grant of permission

requires that 'prior to commencement of development, the applicant shall undertake and complete the required works to Streamstown Lane, as permitted under Reg. Ref. F19A/0446'.

- The Planning Authority remains of the opinion that the proposed development will not detract from adjoining residential amenity, subject to compliance with the conditions.

7.3.2. Response received 09th June 2020

- Having reviewed the applicant's response to the 3rd Party appeal and the issues raised, together with the documentation submitted, the Planning Authority has no further comment. All of the issues raised have been addressed by the Planning Authority in the Chief Executive's report and the response given to An Bord Pleanála on foot of the third-party appeal.

7.4. Observations

7.4.1. An observation was received from Lorcan Dowd of No. 19, Streamstown Wood, Malahide. Issues raised are summarised under the headings below;

7.4.2. Trees

- The applicant proposes to remove 11 no. trees from the southern boundary of Streamstown Lane. The Applicant acknowledges in their report that these trees provide amenity value and that their removal will cause a visual impact on the immediate surrounding local area.
- It should be a Condition of any permission that the applicant be required to replace any such trees with new mature trees along the southern boundary, so as to maintain the existing character of Streamstown Lane and its surroundings, particularly as it connects with the tree lined approach to Malahide.

7.4.3. Street Lighting

- The Applicant's plans do not make any provision for street lighting along the footpath.

- The lack of street lighting makes the lane dangerous for children going to / coming from school during dark winter mornings and evenings.
- While the Chief Executive's report stated that a street lighting condition would be attached, no such condition was attached.

8.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Sightlines / Road Safety,
- Street Lighting,
- Other Relevant Planning Applications in the area,
- Vehicular Entrance serving Streamstown Wood,
- Removal of Trees.

These are addressed below.

8.1. **Sightlines / Road Safety**

- 8.1.1. The Appellant expresses concern with regard road safety at the junction of Streamstown Lane and Park Avenue, following a recent serious car crash at this location. The Appellant highlights the issue that required 45 metre sightlines cannot be achieved to the west of this junction as a section of footpath has not yet been constructed and is outside the control of the Applicant for development on these lands, which will prevent the completion of this footpath. The Appellant objects to the proposed development under the subject application on the grounds that this adjacent footpath may never be completed. The Appellant considers that the proposed raised table at this junction, which was omitted by Condition, would slow traffic and reduce sightlines required.

- 8.1.2. The Applicant contests this ground of appeal stating that the sightlines to the west of the Streamstown / Park Avenue junction will be resolved with the completion of the development permitted under P.A. Ref. F16A/0381. This will involve the widening of the road and provision of a footpath to the west of this junction. The Applicant states that Fingal County Council are pursuing this issue with the relevant landowners and that should this footpath not be completed, the Planning Authority could take enforcement proceedings to see its implementation.
- 8.1.3. The Fingal Transportation Planning Section report acknowledge that the provision of setbacks and a footpath to the west of the Park Avenue / Streamstown Lane junction are not within the Applicant's control to deliver and that these are a requirement of development permitted under P.A. Ref. F16A/0381. Failure to comply with this requirement is an enforcement issue. With regards the proposed table-top ramp at the Park Avenue / Streamstown Lane junction, the Transportation Planning Section report considered that a table-top ramp is provided at this junction as part of a traffic calming system included in the concurrent application P.A. Ref. F19A/0452 (currently on appeal). The Transportation Planning Section considered that two ramps should be provided together, as any traffic calming involving ramps needs to include a minimum of two ramps. The Transportation Planning Section considered it more appropriate to omit the ramp in the subject application as it is already addressed in the concurrent application which provides the two ramps, whereas the current application only provides for one ramp and consequently could not be provided in isolation were the other application to be refused permission.
- 8.1.4. Development was permitted under P.A. Ref. F16A/0381 for a change of house design to development permitted under F15A/0004, on lands to the west of the Park Avenue / Streamstown Lane junction. This permitted development provides for the widening of the road and the provision of a 1.8m footpath along the southern side of Streamstown Lane at this location. The detailed design requirements for the widening of the road and provision of a footpath are specifically required under Condition No. 9 of this permission. Non-compliance with the requirements of this condition would be subject to enforcement proceedings. Given that the lands to the west of the Park Avenue / Streamstown Lane junction are not within the legal ownership or control of the Applicant under the subject application, the Applicant does not have the legal

interest to execute the widening of the road and provision of the footpath at this location.

- 8.1.5. The proposal provides for the upgrading of the section of Streamstown Lane between the Malahide Road and its junction with Park Avenue road, a length of c. 120 metres. Proposed works include increasing the width of the road to 5.5 meters and the provision of a 2m wide footpath along its southern side with a 1.2m high stone wall behind the footpath. Other proposed works include the relocation of a vehicular entrance serving a dwelling 26 metres to the east of its current location.
- 8.1.6. The road is located within a 50km per hour speed limit zone. The Proposed Sightlines Plan submitted by way of Further Information details the provision of sightlines of 45 metres in each direction from a 2.4m setback from the edge of the road, at the junction of Streamstown Lane and Park Avenue, the relocated entrance serving The Hamptons dwelling and the existing vehicular entrance serving Woodbrook House. Notwithstanding the issue of the footpath the west of the Streamstown Lane / Park Avenue junction (addressed above), the sightlines provided at the junction and entrances comply with the requirements of Section 4.4.5 and Table 4.2 of the Design Manual for Urban Roads and Bridges (DMURS) which requires a setback 'X' distance of 2.4 metres from the road edge and a 'Y' sightline distances of 45 metres to the left and right at junctions in 50km/hr urban zones.
- 8.1.7. I note the applicants attempts to address the issue of road safety at the Park Avenue / Streamstown Lane junction with the provision of a table-top ramp and further note the Fingal Transportation Planning Section's rationale for requiring the omission of this table-top ramp, which is required under Condition No. 4 of the grant of permission by the Planning Authority. Given that adequate sightlines are provided at the road junction and entrances along the southern side of the subject section of Streamstown Lane, I do not consider the provision of a table-top ramp at the junction necessary and that the Condition recommending its omission should be imposed in the event of a grant of permission.
- 8.1.8. The adjoining Malahide Road / R107 is located within a 60 km/hr speed limit zone. The Proposed Sightlines Plan submitted detail the provision of sightlines of 65 metres in each direction from a 2.4m setback from the edge of the road at the Streamstown Lane junction with the Malahide Road. This complies with the relevant requirements

of DMURS which requires a setback 'X' distance of 2.4 metres and a 'Y' sightline distance distances of 65 metres at junctions in 60km/h urban zones, on bus routes. It is noted that the Transportation Planning Section of Fingal County Council outline no objections to the proposed development subject to Conditions.

8.1.9. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

8.2. Street Lighting

8.2.1. The Appellant objects to the proposed development on the grounds that a street lighting plan has not been submitted with the application. The Appellant highlights how the Chief Executive's Order report stated that this issue would be dealt with by way of Condition, whereas no such Condition addressing this issue was imposed with the grant of permission.

8.2.2. In response to this ground of appeal, the applicant has submitted a public lighting report and plans for the proposed development, prepared by MandE Consulting Engineers.

8.2.3. The proposed lighting plan submitted details the location and design specifications of the proposed streetlights along the proposed footpath and their separation distance from adjacent tree crowns. Plans and particulars submitted include a public lighting calculation layout, brochure of the proposed led lighting, maintenance factor details, a lumen maintenance report and LED luminaire warranty. I am satisfied that the Applicant has adequately addressed the provision of a lighting scheme for the proposed road upgrade works. Such street lighting would promote a safer environment for pedestrians, cyclists and road users. I recommend however to the Board, that in the event of a grant of permission a Condition should be imposed requiring the Applicant to submit for the written agreement of the Planning Authority a public lighting scheme designed to the Authority's public lighting specifications.

8.2.4. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

8.3. Other Relevant Planning Applications in the Area

- 8.3.1. The Appellant expresses concern that if the housing development seeking permission under P.A. Ref. F19A/0452 and ABP Ref. PL06F.307020 (at Streamstown Wood) is not granted permission, there is little chance, if any, of the proposed road upgrade works under the subject application ever happening.
- 8.3.2. The Applicant responded to this stating that there are two potential residential development proposed along Streamstown Lane and that an upgrade of the road would be required to accommodate these. The Applicant puts forward that pursuing an upgrade of the road would reduce the likelihood of the road upgrade being delayed, as any developer could implement the permission, if granted.
- 8.3.3. As detailed in Section 4.0 above, there are a number of planning applications for housing development along Streamstown Lane which have either recently been granted permission or are currently on appeal before An Bord Pleanála. Of particular relevance are planning applications P.A. Refs. F19A/0541 and F19A/0452 / ABP Ref. PL06F.307020.
- 8.3.4. The Appellant refers to P.A. Ref. F19A/0452 & ABP Ref. PL06F.307020 which is currently on appeal before An Bord Pleanála whereby permission was granted by the Planning Authority in March 2020 for the construction of 57 No. residential units. This development would be accessed via Streamstown Wood and Park Avenue. The Applicant under this permission is Streamview Connect Trading DAC, the same as under the subject appeal. Condition No. 3 of P.A. Ref. F19A/0452 requires that prior to commencement of development, the applicant shall undertake and complete the required works to Streamstown Lane, as permitted under Reg. Ref. F19A/0446 (the subject application). I am satisfied that the requirements of this Condition would require the completion of the road upgrade works under the subject application, prior to the commencement of development under P.A. Ref. F19A/0452 & ABP Ref. PL06F.307020, subject to such Condition being imposed by the Board in the event of a grant of permission.
- 8.3.5. Under P.A. Ref. F19A/0541, permission was granted in July 2020 for the construction of 5 number detached two storey dwelling houses and associated site works including a new vehicular access off Streamstown Lane, a new pedestrian footpath and a 1.2 meter high rubble stone boundary wall along the southern side of Streamstown Lane.

Condition No. 11(b) of this permission requires that the front boundary be set back sufficiently to facilitate the widening of Streamstown Lane to 5.5 metres with a 2 metre wide footpath. I am satisfied that this Condition would provide for the widening of the Streamstown Lane and provision of a footpath and 1.2m high wall under the subject application, in the event of a grant of permission.

- 8.3.6. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

8.4. Vehicular Entrance serving Streamstown Wood

- 8.4.1. The Appellant expresses concern regarding an entrance serving development at Streamstown Wood seeking permission under P.A. Ref. F19A/0452 and ABP Ref. PL06F.307020. This application is currently on appeal before An Bord Pleanála and the entrance referred to by the Appellant is located further to the west of this application site. Given that this entrance is not located within the confines of the subject appeal site, I consider that this issue will be dealt with by the Board, if appropriate, under ABP Ref. PL06F.307020. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

8.5. Removal of Trees

- 8.5.1. The Appellant highlights the issue that there are a large number of trees to be removed to facilitate the proposed development and that there are no plans to replace any trees marked for removal. The Appellant requests that any removed trees should be replaced with new mature trees, to retain the rural woodland look of the area.
- 8.5.2. The Planning Authority addresses this issue in its report stating that the proposal will involve the removal of 9 no. trees and two groups of trees, all of which are of poor quality. The Planning Authority considers that given the trees on the northern boundary of the road are of better quality, it is appropriate to remove the trees on the southern side of the road, to enable safer access/ egress to the RA zoned lands which are considered strategic in nature.
- 8.5.3. The Plans and Particulars submitted with the application include a Tree Survey Plan, a Tree Removal & Protection Plan and an Arboricultural Report prepared by Charles

McCorkell Arboricultural Consultancy. Key points raised in the Arboricultural Report include (inter alia);

- The southern boundary tree cover is a typical overgrown boundary hedgerow consisting of native and naturalised species such as blackthorn, hawthorn, elm ash and sycamore. The trees do have amenity value due to their roadside location, however they are all of low or poor quality.
- The tree cover along the northern boundary is set back from the road edge by a narrow grass verge and consists of beech, ash, elm and horse chestnut which are more prominent and of a higher landscape quality than those along the southern side of the road. As a group they are of higher quality and value.
- The loss of roadside trees will have a visual impact on the immediate surrounding area due to their prominent location.
- It would not be possible to widen the road and incorporate a footpath without the removal of trees.
- Considering the northern boundary tree cover is of better quality and more prominent within the wider surrounding landscape, it is considered more appropriate to remove the lower quality trees to facilitate these works.
- The installation of the northern kerb and the refurbishment of the hard surface have the potential to impact the health and condition of the retained trees if the correct working methods are not undertaken.
- Recommendations are made to protect the retained trees in accordance with the Tree Protection Plan submitted.

8.5.4. In consideration of the Arboricultural Report, Tree Survey Plan and Tree Removal & Protection Plan submitted, it is my view that the widening of the road at this location could not proceed without the removal of trees. Given that the trees along the northern side of the road are of higher quality, it is my view that the removal of the trees along the southern boundary is more appropriate. While the removal of the trees along the southern boundary will diminish the visual amenity of this section of the road, I consider the improvement of vehicular and pedestrian safety of greater importance. The Streamstown Lane is located within lands zoned objective 'RA' which seeks to provide for new residential communities, subject to the provision of the necessary social and

physical infrastructure. The area has experienced significant residential development within the last decade which is accessed via this lane. The provision of a safe public footpath at this location, linking with the nearby Dublin Bus stop along the Malahide Road would be consistent with Objective MT13 of the Development Plan which seeks to promote convenient and safe cycle routes and footpaths, particularly in urban areas. The upgrading and widening of the road would be consistent with Objective DMS129 which seeks to promote road safety measures and avoid the creation of traffic hazards. I consider, therefore, that the removal of the trees of low/poor quality on the southern boundary are warranted in this instance.

8.6. Screening for Appropriate Assessment

Having regard to nature and scale of the proposed development in a fully serviced and zoned residential area and the nature of the receiving environment and the distance and lack of connections to the nearest European sites: Malahide Estuary SPA (site code: 004025) and SAC (Site Code: 000205), no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

10.0 Reasons and Considerations

10.1. Having regard to the residential zoning objective of the area, the provisions of the Fingal County Development Plan 2017-2023, the pattern of existing and permitted development in the area, the condition of the existing road and the layout and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not seriously injure the residential amenity of the area or of property in the vicinity, would be acceptable in

terms of traffic and pedestrian safety and convenience and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28th November 2019 and the 06th February 2020 and by the further plans and particulars received by An Bord Pleanála on the 06th April 2020, 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. (a) The table-top ramp at the junction of Park Avenue and Streamstown Lane shall be omitted from the proposed development.

(b) No objects, structures, or landscaping shall be placed or installed within the visibility triangle of the junctions and vehicles entrances, exceeding a height of 900mm, which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.

(c) The footpath and kerbs shall be in accordance with the detailed standards of the Planning Authority for such works.

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

3. Prior to the commencement of development, details of the following matters shall be submitted to, and agreed in writing with the Planning Authority:

(a) The extent of the proposed 600mm diameter sewer, gullies and manholes.

(b) The tie-in details of the sewer at both ends.

Reason: In the interest of clarity.

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

Reason: In the interest of public health.

5. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interests of amenity and public safety.

6. (a) All trees and hedgerows along the northern boundary of the site shall be retained and maintained, with the exception of specific trees, the removal of which shall be agreed in writing by the Planning Authority before any trees are felled, to facilitate the development.

(b) Measures for the protection of trees which it is proposed to be retained shall be submitted to, and agreed in writing with the Planning Authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

7. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

Brendan Coyne
Planning Inspector

29th July 2020