



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307020-20

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<b>Development</b>	Construction of 57 residential units of detached, semi-detached, and terraced housing.
<b>Location</b>	Lands at Streamstown Wood, Streamstown Lane, Malahide, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F19A/0452
<b>Applicant(s)</b>	Streamview Connect Trading DAC.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First and Third Party
<b>Appellant(s)</b>	Streamview Connect Trading DAC Streamstown Wood Owners Management Company Gary Wedick Stephen and Gina McCabe Lorcan Dowd

**Observer(s)**

Ciara and Eanna Dunleavy

Philip Tyrrell

Dublin Airport Authority

**Date of Site Inspection**

28<sup>th</sup> of August 2020 and 4<sup>th</sup> of  
September 2020

**Inspector**

Stephanie Farrington

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## 1.0 Site Location and Description

- 1.1.1. The appeal site has a stated area of 2.65ha and is located at Streamstown Wood, Streamstown, Malahide, Co. Dublin. The site is roughly rectangular in shape and currently overgrown apart from the existing centrally located open space area. The site extends to include an existing plot to the north west of the site at the junction of Streamstown Lane and Careys Lane.
- 1.1.2. The topography of the lands varies slightly with a general fall across the lands from the west to the north east of 2.5m (highest level of +13.00m and lowest level of +9.53m). The site is enclosed by fencing at all boundaries. An overhead powerline traverses the site from east to west.
- 1.1.3. The site is located to the immediate north of Streamstown Wood, a completed residential development of 21 no. houses and a large centrally located open space area. Large detached houses adjoin the application site to the north along Streamstown Lane and to the west along Careys Lane.
- 1.1.4. The main access to Streamstown Wood is provided to the west of the site from Careys Lane. A second access is from the north east via Park Avenue off Streamstown Lane. Streamstown Lane which connects the R107 Malahide Road is located to the north of the site.

## 2.0 Proposed Development

- 2.1.1. The proposed development comprises the construction of 57 no. residential units. The development includes a mix of detached, semi-detached, and terraced units comprising:
  - 4 No. 2-bed units.
  - 14 No. 3-bed units.
  - 37 no. 4-bed units.
  - 2 No. 5-bed units.
- 2.1.2. Vehicular access to the development is to be provided from Streamstown Wood to the South, and Park Avenue to the east. Access to proposed units 56 and 57 is provided via Careys Lane.

- 2.1.3. 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.

## 3.0 Planning Authority Decision

### 3.1. Decision

Fingal County Council issued a notification of decision to grant permission for the proposal in February 2020 subject to 25 no. conditions.

The following conditions are of note in the context of the grounds of appeal.

- Condition no. 3: Prior to the commencement of development, the applicant shall undertake and complete the required works to Streamstown Lane as permitted under Reg. Ref 19A/0446.
- Condition 4 relates to submission of an amended landscaping plan prior to the commencement of development indicating the following amendments (a) *“The boundary treatment along the western boundary of the subject site shall comprise of a brick wall of 2.5m in height with a rendered finish”*.
- Condition 8 (b) Internal roads within the development shall be a minimum width of 5.5m to ensure proper access and circulation for emergency vehicles and service vehicles.
- Condition 12 – Developer shall construct and maintain to the Council’s standard for taking in charge of all roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the Council.
- Condition 21 – Contribution of €50,616 in lieu of shortfall of 228 sq.m. playground.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

### ***Initial Report (13<sup>th</sup> of November 2019)***

The following provides a summary of the main points raised within the initial planner's report.

- Reference is made to the planning history of the site. At the time of the assessment of the first application on the site PA Ref F13A/0443/PL06F.243345 the lands were located within the Streamstown LAP wherein a density cap of 10 dwellings per hectare was applied to the lands. This density restriction no longer applies to the lands.
- Proposed density strikes a reasonable balance between national policy requirements and existing site context.
- Proposed dwellings are generously proportioned and comply with minimum floor areas, room sizes and width set out within Tables 12.1,12.2 and 12.3 of the Development Plan.
- Proposed layout is acceptable and would not give rise to undue levels of overlooking or overshadowing and as such not negatively impact on existing levels of residential amenity.

A request for further information was issued on the 14<sup>th</sup> of November 2019 in relation to the following:

- Details of landownership.
- Amendments to landscaping plan.
- Diversion proposal for the storm water sewer.
- Revised drainage design with a reduction in the number of flow control devices and light liquid interceptor devices.
- Sightline Drawing providing visibility of 45m for traffic approaching bend on Streamstown Lane in proximity to junction with Carey's Lane
- Revised open space taken-in charge map.

### ***Second Report (18<sup>th</sup> of December 2019)***

The planner's report dated the 18<sup>th</sup> of December 2019 recommended a request for clarification of further information on foot of the requirements of the Transportation

Planning Section relating to visibility and sightlines at the proposed access to units 56 and 57 at the bend on Streamstown lane.

***Third Report (13<sup>th</sup> of March 2020)***

Planners report dated 13<sup>th</sup> of March 2020 recommends a grant of permission subject to conditions.

Other Technical Reports

Transportation Planning Section: Initial report recommends further information in relation to visibility and sightlines at Streamstown Lane near junction with Carey's Lane. Report dated 11/12/2019 requested clarification of further information in relation to sightlines. Final report recommends a grant of permission subject to condition.

Parks Department: Initial report seeks clarification in relation to the proposed taking-in charge of public open space. Report dated 11/12/2019 outlined that the submitted taking in charge drawing is acceptable.

Water Services Division – Report dated October 2019 raises concerns in relation to the proposed location of the realigned 450 storm sewers relative to adjacent residential property and the number of flow control devices and liquid interceptor devices proposed. Report dated 12<sup>th</sup> of December 2019 raised no objection to proposal subject to conditions.

Environment Division– No objection raised subject to conditions.

**3.3. Prescribed Bodies**

Irish Water: No objection subject to condition.

Dublin Airport Authority: Submission dated 29<sup>th</sup> of October 2019 identifies the site within the Outer Airport Noise Zone. Report recommends further information/ planning condition relating to internal noise levels and noise mitigation measures.

**3.4. Third Party Observations**

- 3.4.1. Third party observations were received at each stage of the application process i.e. within the initial 5-week public consultation period and on receipt of further

information and clarification of further information. The following provides a summary of the points raised:

- Excessive Density –Site is a transitional rural site and there is no precedent for high density along a rural lane
- Design of proposal does not reflect character of the area (materials, finishes, house style, unit type, boundary treatment).
- Legal/Ownership issues
- Contrary to Development Plan objectives – including RS zoning objective, Objective Malahide 11, Objective DMS59, Objective SS02 and vision for forthcoming Streamstown Local Area Plan.
- Objective 11 of the National Planning Framework is not applicable at this location.
- Open space- Inadequate provision, contravenes policy DMS57A, safety concerns re attenuation pond, lack of playground facility.
- Transportation Issues - Traffic Impact, insufficient parking- lack of visitor parking, lack of public transport connectivity, access constraints.
- Impact on Residential Amenity – Overlooking, Devaluation of Property, boundary treatment.
- Flood Risk Assessment – Based on inaccurate information relating to culverted stream. Development is premature pending a Flood Risk Assessment by OPW for the area.
- Wastewater Constraints - upgrade system is required and connected to the North Fringe Sewer which is scheduled for completion by Q4 2020. Development is premature on this basis.
- Insufficient public lighting.
- No reference to culverted stream through the site within the Appropriate Assessment.

3.4.2. Additional points raised within observations on Further Information and Clarification of Further Information included the following:



- Concerns that points raised within observations on the application have not been addressed.
- Change in the application boundary and works proposed at junction of Careys Lane and Streamstown Lane to achieve sightlines.
- Public notices advertising significant further information are insufficient and do not mention roadworks proposed or include a description of the development applied for.
- Insufficient detail provided to determine the impact of the tables on multi axel vehicles or vehicles with trailers. Boundary wall in separate ownership – at junction of Careys Lane and Streamstown Lane
- Planning permission refused under PA Ref F19A/0560 for a residential unit on adjacent property on flooding grounds.
- Ownership of a large portion of the common area including access roads are under review application is premature pending legal judgement.
- Levy in lieu of shortfall of public open space is unacceptable housing units should be omitted.
- Issues with Wastewater capacity in Kinsealy – other applications deemed premature.

## 4.0 Planning History

### Appeal Site

PA Ref. F18A/0168 planning permission granted in May 2019 for alterations to development permitted under PA Ref. F13A/0443, ABP Ref. PL06F.243435. The proposed alterations primarily included increase in site area from 2.44 ha to 2.57 ha and increase in no. of residential units from 22 to 32.

PA Ref. F13A/0443, ABP Ref PL06F.243435 planning permission granted in October 2014 for construction of 24 no. detached residential units to form Phase 2 of the partially completed residential development permitted under PA Ref. F06A/1576.

PA Ref. F06A/1576 planning 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, widening Streamstown Lane from 3.1 m wide to 5.5 m wide from Feltrim Road to the proposed site entrance, new estate roads, storm water attenuation works, foul and storm water drainage, landscaping and all other associated site development works.

Upgrade works at the junction of Park Avenue (West) / Malahide Rd. (East), Streamstown,

PA Ref 19A/0446, PL06F.306844 Planning permission granted by Fingal County Council in February 2020 and An Bord Pleanala in September 2020 for upgrade works at the junction of Park Avenue (West) / Malahide Rd. (East), Streamstown, Malahide, Co Dublin.

The permitted development includes proposals to 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 and relocation of 1 no. existing vehicular entrance on the southern side of the lane c. 26 metres to the east and associated drainage gullies, lining and works to entrances.

Site to the west of application site

PA Ref F19A/0560 planning permission refused by Fingal County Council in January 2020 for a proposed residential dwelling on grounds of flood risk and inadequate sightlines. The application was subject to 3<sup>rd</sup> party appeal to An Bord Pleanala and a decision to grant permission was issued in September 2020 (PL06F.306645-20).

## 5.0 Policy Context

### 5.1. Development Plan

The site is located within the administrative boundary of Fingal County Council. The current Development Plan is the Fingal County Development Plan 2017-2023.

### 5.2. Fingal County Development Plan 2017-2023

Zoning Objectives

- 5.2.1. The majority of the site is zoned Objective RS to *“Provide for residential development and protect and improve residential amenity”*.

- 5.2.2. The vision for RS zoned lands as set out within the Development Plan is to *“ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*.
- 5.2.3. Residential development is listed as a use which is “permitted in principle” on lands zoned for RS purposes.
- 5.2.4. The existing central green within the site is zoned for open space purposes with an objective to “preserve and provide for open space and recreational amenities”.
- 5.2.5. The vision for open space lands as set out within the Development Plan seeks to: *“provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational uses will be considered and encouraged by the Planning Authority”*.

#### Mapped Objectives

- 5.2.6. The site is located within the Development Boundary of Malahide and is located within the Outer Airport Noise Zone.
- 5.2.7. Objective MALAHIDE 11 seeks to prepare and/or implement the Streamstown Masterplan during the lifetime of the County Development Plan. Objectives for the area include an objective to *“facilitate low density residential development reflective of the character of the area”*. The masterplan boundary is identified within the zoning map and relates to lands to the north and east of the appeal site. The appeal site is not located within the Masterplan boundary.

#### Settlement Strategy

- 5.2.8. Variation no. 2 of the Fingal County Development Plan 2017-2023 was adopted by Fingal County Council on the 19th of June 2020. The purpose of the variation is to align the Fingal Development Plan with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).
- 5.2.9. The settlement strategy for Fingal is set out within Table 2.5. Swords and Blanchardstown are the largest urban centres in Fingal and are classed as a Key Town and part of the Dublin City and Suburbs respectively in the Regional Spatial and Economic Strategy. The towns function as part of the Dublin Metropolitan Area and will continue to perform the role of the County’s primary development centres during the Plan period.

5.2.10. Malahide is designated as a Self-Sustaining Town in the Metropolitan Area within the County Settlement Strategy. The Development Plan outlines that *“Self-Sustaining Towns are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery”*.

5.2.11. Table 2.4 “Total Residential Capacity provided under the Fingal Development Plan 2017-2023, updated September 2019” identifies capacity for 956 units in Malahide.

#### Residential Objectives

5.2.12. The following objectives are considered to be relevant:

- Objective SS02 - proposals for residential development accord with the County’s Settlement Strategy and are consistent with Fingal’s identified hierarchy of settlement centres.
- Objective DMS39 New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Objective DMS 44 - Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.
- Objective PM44 Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.
- Objective PM45 Promote the use of contemporary and innovative design solutions subject to the design respecting the character and architectural heritage of the area.
- Objective PM40 Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

#### Development Management Standards

- Objective DMS24 Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1, 12.2 and 12.3.

- Objective DMS28 minimum separation distance of 22 metres between directly opposing rear first floor windows.
- Objective DMS29 separation distance of at least 2.3 metres between the side walls of detached, semi-detached and end of terrace units.
- DMS57A - minimum 10% of a proposed development site area be designated for use as public open space.
- DMS57B - minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5
- Objective DMS75 Playground facilities shall be provided at a rate of 4 sq m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings.
- Objective DMS76 A minimum of one piece of play equipment shall be provided for every 50 sq m of playground.

### **5.3. National Planning Framework (DHPLG 2019)**

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Relevant policies from the NPF include the following:

- NPO 11 – In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development.

### **5.4. Regional Spatial and Economic Strategy for the Eastern and Midlands Assembly 2019-2031**

The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. The Growth Strategy for the Eastern and Midland Region supports the continued growth of Dublin as the national economic engine and seeks to deliver sustainable growth of the Metropolitan Area through the Dublin Metropolitan Area Strategic Plan (MASP).

Fingal is identified in the RSES within the Dublin Region and partly within the MASP area, the area outside the MASP boundary is in the Core Region. The appeal site is located within the Metropolitan Area as defined by the RSES.

The settlement hierarchy for the region is set out within Table 4.2. At the top of the hierarchy is Dublin City and Suburbs, followed by Regional Growth Centres, Key Towns, Self Sustaining Growth Towns, Self-Sustaining Towns, Towns and Villages and Rural areas. Within Fingal, Swords is designated as a Key Town and it is detailed that self-sustaining growth towns and self-sustaining towns will be defined within development plans.

Malahide is designated as a self-sustaining town within the Variation no. 2 of the Fingal County Development Plan. The RSES identifies that Self-Sustaining Towns are towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery.

#### **5.5. Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009)**

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

Section 5.9 outlines that *"in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill"*.

## **5.6. Urban Development and Building Heights – Guidelines for Planning Authorities (DHPLG 2018).**

SPPR 4 - It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;
- a greater mix of building heights and typologies in planning or the future development of suburban locations; and
- avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

## **5.7. Other Section 28 Ministerial Guidelines**

- ‘Design Manual for Urban Roads and Streets’ 2013
- The Planning System and Flood Risk Management’ Guidelines

## **5.8. Natural Heritage Designations**

5.8.1. The appeal site is not located in or in the immediate vicinity of any sites with a natural heritage designation. The site is located c. 2km to the south of the Malahide Estuary SPA (Site Code: 004025) and SAC (Site Code: 000205). The Baldoyle Bay SPA and SAC (Site Codes 004016 and 000199, respectively), c. 3.5km to the south east.

5.8.2. Both Malahide Estuary and Baldoyle Bay are also pNHAs. Feltrim Hill pNHA is located c. 0.4km to the south

## **5.9. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## **6.0 The Appeal**

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

#### First Party Appeal

6.1.1. A first party appeal has been received from John Spain Associates on behalf of Streamstown Connect Trading DAC. The appeal relates to Condition nos. 8b, 12 and 21 of the notification of decision to grant permission for the proposed development. The grounds of appeal are summarised briefly as follows:

- Appeal requests minor amendments to the wording of Condition nos. 8(b) and 12 which relate to a minimum road width of 5.5m within the development and the provision of finishes to Fingal County Council taking in charge standards. A case is made that amendments to the wording of the conditions are required in order to facilitate the integration of the proposal with the existing development.
- Appeal request removal of Condition 21 which relates to a financial contribution of €50,6161 in lieu of shortfall of 228 sq.m. playground. A case is made that there is an existing playground within the development, no reason is cited for the condition, there is no provision within the Section 48 Contribution Scheme for financial contribution in lieu of playgrounds and the applicant is contributing to playgrounds within general Section 48 Contribution.

#### Third Party Appeals

6.1.2. 4 no. third-party appeals have been received in respect of the notification of decision of Fingal County Council to grant permission for the proposed development from

- Streamstown Wood Owners Management Company
- Gary Wedick, 13 Streamstown Wood, Malahide



- Lorcan Dowd, 19 Streamstown Wood, Malahide
- Stephen and Gina Mc Cabe, Richmond, Streamstown Lane Malahide

6.1.3. The following provides a summary of the issues raised. Further details/elaboration of the points raised is provided within Section 7.

- Excessive Density
- Design, Massing, Materials and Finish does not reflect existing character of the area and the proposal is in direct contravention of DMS39
- Impact on residential amenity – overlooking, boundary treatment, insufficient parking,
- Insufficient public open space in terms of quantum and quality, lack of playground
- Water services infrastructure deficiencies,
- Flood risk assessment based on inaccurate information and development premature pending OPW Flood Risk Assessment for area
- Transportation Issues – lack of connection to public transport, inadequate road network in area- lack of public lighting and footpaths, Requirements of Condition no. 3 regarding works to Streamstown Lane subject to a separate application and appeal (ABP-306844-20). Planning permission cannot be granted without required upgrades.
- Substandard and unfinished development at Streamstown Wood with limited open space facilities. All previous permissions stated that unfinished works to Streamstown Wood should be completed prior to works commencing with development. No reference to outstanding works in permission.
- Inadequacy of Screening Report – no reference to existing culverted river passing under the site.
- Procedural Issues – revisions to junction of Careys Lane and Streamstown Lane not described in public notices
- Taking in Charge drawing includes lands outside of application boundary

- Legal / Ownership issues

## **6.2. Applicant Response**

6.2.1. Responses to the issues raised within third party appeals on the application are set out within correspondence from John Spain Associates dated the 22<sup>nd</sup> of June 2020, 6<sup>th</sup> of July 2020 and 28<sup>th</sup> of July 2020. The following provides a summary of the points raised.

- Proposed residential units are designed with the scale and form, finishes and materials to reflect Phase 1.
- Impact on residential amenity –No impacts will arise in terms of overlooking due to boundary treatment and separation distances.
- Mix of dwelling units is in accordance with Objective PM40. All house types meet or exceed minimum requirements.
- Applicant is committed to implementing road improvement works proposed under PA Ref F19A/0446 for upgrade works from the Park Avenue to the Malahide Road in accordance with the requirements of Condition no. 3. If permission is refused for the road works application, the current application provides for road improvements on Streamstown Lane.
- Proposal is a low-density development and seeks an appropriate balance between the zoning objective which seeks to protect existing residential amenity and the national policy including Objective 11 of the NPF. Lands zoned RS should develop at a higher density in order to compensate for lower densities on adjoining lands.
- Resolution of legacy issues within Phase 1 is currently underway. Applicant is the most recent buyer and not responsible for actions of previous owners.
- Transfer of the common areas is a legal issue and civil matter.
- There is no objective for a Local Area plan/Masterplan for the site. Objective Malahide 11 relates to a masterplan for parts of Streamstown and the site is located outside of this area.

- Development is in accordance with Objective Z04 and Section 11.4 of the Development Plan which relates to transitions in scale and use in the boundary areas of adjoining land use zones.
- The development of the site will incur benefits for the area through improvements to the road infrastructure in the area.
- Development complies with Open space requirements set out in Objective DMS57A and DMS57B. 12.5% of the site is allocated to public open space.
- No requirement for a TTA having regard to guidance set out within the NTA's Traffic and Transport Assessment Guidelines.
- Appellants incorrectly refer to a culverted storm water drain as a culverted river. The sewer running under the site is not a watercourse and is identified and assessed within the AA Screening report as a pathway to Balydoyle Bay SAC/ SPA and Malahide Estuary.
- Flood Risk Assessment based on up to date information from the OPW.
- Arrangements for Taking in Charge agreed with Fingal County Council.
- Works to the existing estate have been agreed between the applicant and Fingal County Council as part of the Taking in charge process.

### **6.3. Planning Authority Response**

- 6.3.1. Fingal County Council in correspondence dated the 22<sup>nd</sup> of June 2020 provided a response to the grounds of appeal.

#### Response to First Party Appeal

- The planning authority's response to the first party appeal requests the Board to uphold the decision of the planning authority and retain Condition 8 (b), Condition 12 and Condition 21 as set out within the notification of decision to grant permission.
- A rationale for each condition which is detailed in Section 7 of this report.

#### Response to Third Party Appeals

- Application was assessed in light of the policies and objectives of the County Development Plan and national planning policy.
- All objections were considered and addressed within the assessment.
- The proposed development is in line with the requirements of both National and Local Planning policy and will not detract from adjoining residential amenity.
- Requests requirements of Conditions 20,21,24 and 25 to be included within the Boards decision in the event of a grant of permission.

6.3.2. Correspondence from Fingal County Council received on the 7<sup>th</sup> of July 2020 confirms no further comments in relation to the application.

#### **6.4. Observations**

6.4.1. 3 no. observations have been received on the appeal. The following provides a summary of the points raised.

Ciara and Eanna Dunleavy, The Farmhouse, Streamstown Lane

- Condition 4 (a) refers to the requirements for a 2.5m high brick wall but includes reference to a “rendered finish”. Requests reference to “rendered finish” is removed from condition 4(a).

Philip Tyrrell, 4 Streamstown Wood

- Development does not resemble the character, style, massing, height, materials, public amenity or density of any development currently in area. No other area in Streamstown has terraced properties.
- Development is contrary to RS zoning objective and Objectives DMS39, DMS44, PM44 and PM45 of the Fingal County Development Plan and Section 5.9 of the Sustainable Residential Development in Urban Areas (2009).
- Management Company has been maintaining upkeep of estate.
- New playground should be provided within the application boundary.
- Traffic and Transportation Issues – lack of TTA addressing cumulative impact of development along Streamstown Lane, inadequate public transport and

poor road conditions. Objection in provision of through road within the development on foot of safety concerns.

- Flood risk issues associated with F19A/0506 ABP 306645-20 relate to the site.
- Taking in charge map includes lands outside the application boundary. Streamstown Wood was never designed to be taken in charge.
- Validation issues – public notice of significant further information does not include a description of what the development applied for consisted of.
- Both proposed entrances to site are unsuitable due to inadequate sightlines. Western access road is unsuitable to accommodate additional traffic.

Dublin Airport Authority

- Reiterates the points raised within the observation on the application and includes a recommendation for further information/ condition in relation to internal noise levels and noise mitigation measures.

## 7.0 Assessment

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

- Compliance with Zoning Objective
- Density
- Layout and Design
- Impact on Residential Amenity
- Open Space and Boundary Treatment
- Access and Transportation Issues
- Water Supply, Drainage and Flood Risk
- Procedural/ Legal Issues

- Development Contribution – Condition no. 21
- Appropriate Assessment
- Other issues

## **7.1. Compliance Zoning Objective**

- 7.1.1. A number of appeals on the application make the case that the proposed development is contrary to the RS zoning objective pertaining to the site which seeks to *“provide for residential development and protect and improve residential amenity”*. Residential use is listed as a use which is “permitted in principle” on lands zoned for RS purposes.
- 7.1.2. The development represents the second phase of a residential development within a larger landholding in the ownership of the applicant. Phase 1 of this development is complete and comprises 21 large detached dwellings within Streamstown Wood located to the south of the appeal site. The principle of the development of the site for residential purposes has previously been established under PA Ref F13A/0443/PL06F.243345 and PA Ref F18A/0168. The principle of the development is therefore accepted.
- 7.1.3. The vision for RS zoned land within the development plan is to *“ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*. The impact of the proposal on the residential amenities of existing properties is therefore a key consideration in assessing the proposed development and this is considered in further sections of this assessment.

## **7.2. Proposed Density**

- 7.2.1. The proposed development relates to 57 residential units on a 2.65 ha site which results in a gross density of 21.4 units per hectare and net density of 24.9 units per hectare. Concerns relating to the density of the proposed development are raised within a number of appeals on the application. A case is made that the proposal represents an overdevelopment of the site and is not in line with the existing character of development which has a long-established density of 10-12 units per hectare.
- 7.2.2. Reference is made to the previous density cap of 10 units per ha which related to the site as set out within the Streamstown Local Area Plan and it is stated that the

proposal is premature pending the adoption of a LAP/Masterplan for the area. A case is made that consolidation of the area at higher densities, which is not served by public transport, is not support by local planning policy or the objectives of the National Planning Framework or the Sustainable Residential Development Guidelines 2009.

- 7.2.3. In responding to the grounds of appeal, the applicant has made the case that the density proposed seeks an appropriate balance between the zoning objective which seeks to protect existing residential amenity and national planning policy including Objective 11 of the NPF. The planner's report which informed the decision of Fingal County Council to grant permission for the proposed development outlined that the proposed density strikes a balance between responding to the established character of the area and national planning policy objectives.
- 7.2.4. At the outset, in considering the proposed density, while I acknowledge that a historic density cap was specified for the site of 10 units per hectare, no such cap is provided for within the current Fingal County Development Plan 2017-2023.
- 7.2.5. I note that appellants have made the case that the proposal is premature pending the publication of a Local Area Plan / Masterplan for the area which would inform an appropriate density for the area. However, no such objective relates to the appeal site as set out within the Fingal County Development Plan 2017-2023. Objective Malahide 11 as referred to within the third-party appeals relates to an objective for a Masterplan for lands to the north and east of the site.
- 7.2.6. Nor do I consider there to be a requirement for a local area plan or masterplan to inform the future development of the site. The development represents the second phase of a residential development, the principle of residential development has been established on the site and access and public open space provision have been provided. On this basis I do not consider the proposed development to be premature pending the publication of a Masterplan/LAP for the area to inform an appropriate density.
- 7.2.7. The existing character of the Streamstown area is primarily defined by large detached properties within densities in the range of 10-12 units per ha. The proposed development forms Phase 2 of the existing Streamstown Wood development which has a density of c.9.8 units per ha. I note the planning history of

the site wherein a density of 9.01 was permitted under PA Ref 13A/0443 and a density of 12.45 dwelling per hectare was permitted under PA Ref F18A/0168. Density caps of 10 and 5 dwellings per hectare apply to lands further east of the appeal site. Lands to the north of the site within the Streamstown Masterplan boundary are subject to the objective to “*facilitate low density residential development reflective of the character of the area*”.

- 7.2.8. While I note that the proposed development would represent an increase in the existing and permitted density within the surrounding area, I do not consider the proposal to represent an overdevelopment of the site. The development as proposed is a low-density development the layout of which broadly reflects that permitted under PA Ref 18A/0168.
- 7.2.9. The proposed increase in density from 12.45 to 21.4 units per hectare gross and 24.9 units per ha net is achieved by the provision of a mix of smaller scaled units and the introduction of a mix of detached, semi-detached and terrace format units in place of the previously permitted 32 no. detached dwellings. I consider an increase in density has been achieved on the site without impacting on the amenity of adjoining residential properties.
- 7.2.10. The appeal site is located within the development boundary of Malahide and zoned for residential purposes within the Fingal County Development Plan 2017-2023. Malahide is designated as a Self-Sustaining Town in the Metropolitan Area within the Fingal Settlement Strategy. National and regional policy objectives seek to support the consolidation of centres within the Metropolitan area. The objectives of the Fingal County Development Plan seek the “contained growth” of Malahide.
- 7.2.11. The Sustainable Residential Development in Urban Areas Guidelines (2009) recommend net densities of 35-50 dwellings per hectare on outer suburban / greenfield sites in Cities and Large Towns. The proposed development with a gross density of 21.4 units per ha and net density of 24.9 units per ha is below this guidance. Guidance for infill development is set out within Section 5.9 of the Guidelines relates to the need to balance infill development with the protection of the amenities of adjoining development.
- 7.2.12. In considering the density of the proposal, I note the requirements of Objective SS17 of the Fingal County Development Plan which seeks to “facilitate the



consolidation of Malahide where it is linked to high quality public transport” and such objectives relating to the integration of land use and transportation are reflected in national policy.

- 7.2.13. The appeal site is located at the southern periphery of the development boundary of Malahide and over 2km from the village and railway station. The application documentation details a high modal split for the area with 68% of all journeys being via private car. The site is located in proximity to two bus routes at Malahide Road and Feltrim Road. A bus stop for the no. 42 route is located within 150 m of the site and this provides a service every 20 minutes during peak hours to the City Centre.
- 7.2.14. While the site could not be deemed to have linkages to a high-quality public transport provision I consider the connections to be sufficient to cater for the low density of development proposed. Connections between the existing bus stop at Malahide Road will be further enhanced through improvements to Streamstown Lane permitted under PA Ref PA Ref 19A/0446, An Bord Pleanála Ref PL06F.306844.
- 7.2.15. Both the applicant and planning authority make the case that the proposed density strikes a balance between protecting the existing character and residential amenity of the area and the requirements of national planning policy. The proposal relates to the second phase of a residential development within an overall landholding in the ownership of the applicant and will result in the provision of a mix of residential units in the area. On review of the planning history of the site, the existing site layout and the nature of existing development within the area, I consider that the proposed increase in density is in accordance with national policy objectives and has been achieved without impacting on the amenity of adjoining residential properties.
- 7.2.16. I consider the density of development is therefore acceptable and appropriate for the area and will result in an efficient use of residentially zoned land.

### **7.3. Design and Layout**

- 7.3.1. Concerns are raised within third party appeals that the design and massing of the proposed development is not in accordance with the existing pattern of development in the area. In design terms a case is made that the placement of terraced, plain houses beside large detached traditional and detailed housing is not in accordance with the requirements of Objectives DMS39, DMS44, PM44 and PM45 of the Fingal County Development Plan. Collectively these objectives seek to ensure that

proposals for infill residential development respect the character and setting of existing residential development in terms of height, massing, boundary treatment, landscaping etc.

- 7.3.2. Reference is made to the character of the existing Streamstown Wood Estate which comprise of large detached Edwardian style red brick houses, sandstone and render detailing, high quality boundary treatments and mature trees and landscaping. The appellants assert that the development of contemporary style houses does not protect or respect the unique and distinctive character of Streamstown Wood or provide a coherent Phase 2 of the development in terms of density, size and scale of units, or materials and finishes.
- 7.3.3. The applicant has made a case that the proposed residential units are designed in terms of scale and form, finishes and materials to reflect Phase 1. The development provides for a transition between the large dwellings of Phase 1 to the more densely developed northern end of the site. A case is made that the development while retaining distinctiveness maintains a “coherent design and material palette” which builds on the variety of house types within the existing scheme.
- 7.3.4. On review of the architectural drawings and design statement I consider that proposed development has been designed to integrate with the existing Phase 1 development at Streamstown Wood. The layout of the development comprising residential units fronting onto the centrally located open space and onto Park Avenue to the east of the site broadly reflects the layout permitted under PA Ref F18A/0168. The proposed increase in density is achieved through the introduction of a mix of detached, semi detached and terrace units in place of the previously proposed detached dwellings.
- 7.3.5. The development proposes larger houses immediately adjacent to the existing and steps down gradually in scale to the terraced houses in order to avoid an abrupt transition in scale within the scheme. The semi-detached residential units adjoining Phase 1 have been designed in pairs to read as one large dwelling from the street.
- 7.3.6. The proposed houses are finished in a mix of brick and render and I consider that there is a common uniformity in the design throughout the site which would integrate the proposal with the existing Phase 1 development. On an overall basis, I consider

that proposed development has been designed to integrate with and respond to the existing character of Streamstown Wood.

- 7.3.7. In terms of the scale of the proposed units I note that all units meet or exceed and in many instances exceed minimum standards for each format set out within Tables 12.1, 12.2 and 12.3 of the Fingal County Development Plan in accordance with the requirements of Objective DMS24. Separation distances of 2.3m between the side walls of detached, semi-detached and end of terrace units are provided in accordance with the requirements of DMS29.
- 7.3.8. The applicant has made a case that the proposed development delivers a higher density of residential development on the site and provides a mix of different unit types of a form not generally found in the area in accordance with the requirements of Objective PM40 which seeks to *“ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents”*.
- 7.3.9. I note that 5 bed detached format units are the most prevalent unit type in the existing Phase 1 Streamstown Wood development. I consider that the provision of 4,3 and 2 bed units in a range of detached, semi-detached and terrace formats as proposed will add to the mix of house types within the area in accordance with the requirements of Objective PM40.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The RS zoning objective pertaining to the site seeks to *“provide for residential development and protect and improve residential amenity”*. The vision for RS zoned land within the development plan is to *“ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity”*. The impact of the proposal on the residential amenities of existing properties is therefore a key consideration in assessing the proposed development.
- 7.4.2. The appeal site is adjoined by existing residential properties to the north along Streamstown Road, south at Streamstown Wood and west at Careys Lane. The appeal site is currently open at all site boundaries and the interface with adjacent properties includes a mix of planting, boundary walls and fencing.
- 7.4.3. On review of the site layout, I consider that the proposal has been designed and appropriately set back from adjoining site boundaries to negate against overlooking

and overshadowing of adjacent properties. As such I do not consider that the proposal would not negatively impact on the residential amenity of adjacent properties.

- 7.4.4. Separation distances in excess of 22m are provided between directly opposing windows in accordance with the requirements of Objective DMS28. No rear facing windows are provided in the corner plot at units 56 and 57 to negate against overlooking. The proposed boundary treatment to the north and west will further reduce impact.
- 7.4.5. Specific issues relating to residential amenity are raised within the third-party appeal from Stephen and Gina Mc Cabe. This appeal raises concerns that the proposal will have a negative impact on the amenity of their property the north of the site at Richmond, Streamstown Lane in terms of overlooking and devaluation of property. A case is made that the positioning and design of houses will materially intrude on the privacy and amenity of their property. The appellants state that 5 no. residential units are proposed facing into the property and the terrace form of development will increase overlooking by c. 150% from that previously permitted.
- 7.4.6. The applicant's response refers to the boundary treatment comprising a 2.4m high wall and a separation distance of 23.275 m which exceeds development plan requirements. In this regard it is stated that no impacts will arise in terms of overlooking. The garden length directly opposing the appellants dwelling exceed 12.5m.
- 7.4.7. Having regard to the proposed boundary treatment and separation distances between the existing property and the proposed dwellings which exceed development plan requirements I consider the proposed terrace dwellings to the north of the site have been appropriately designed to negate against overlooking of existing properties to the north.
- 7.4.8. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area. As such there is no basis to the assertion that it would adversely affect the value of property in the vicinity.

7.4.9. On an overall basis I consider that the development of the site would enhance the residential amenity of the area particularly for existing residents in Streamstown Wood where the unfinished nature of the entire site is most evident. The proposal will complete the estate, upgrade the external road network, complete the internal road network and provide a more appropriate interface with existing properties.

## **7.5. Open Space and Boundary Treatment**

7.5.1. Significant concerns are raised in relation to the quantity and quality of public open space provision and lack of playground provision within the appeals on the application. The appellants make a case that all applications in the area have complied with the requirements of DMS57 of the Development Plan which sets out a public open space requirement of 25 sq.m. per person. It is stated that the application is seeking 15 sq.m. per person reducing overall provision in Streamstown Wood to 19 sq.m. per person. A case is made that the number of units should be reduced on this basis.

7.5.2. Reference is furthermore made to the OS zoning objective of the central area of open space within the development and the guidance in Section 12.7 of the Development Plan which states that *“the development site cannot include lands zoned RU, GB, OS or HA”*.

7.5.3. The proposed development includes the provision of 3,386 sq.m. of public open space including 3,313 sq.m. of open space within the existing central green area and an additional 73 sq.m. at the north eastern corner of the site at the junction of Park Avenue and Streamstown Lane.

7.5.4. I note that the siting of public open space provision within the development site is predetermined by the extent of the OS zoning objective pertaining to the site and the existing site layout. In this particular instance, and having regard to the fact that the existing central open space area has been delivered as part of the Streamstown Wood development and will be enhanced as part of the subject application I have no objection to its inclusion within the application site. I do not consider that the guidance set out in Section 12.7 of the Development Plan applies in this instance.

7.5.5. In terms of the quantum of open space provision, the applicants made a case that the development comprises 12.8% of public open space which is over and above the 10% requirement set out within Objectives DMS57A and DMS57B of the Fingal

County Development Plan. I note that this area includes an attenuation area but even when this area is omitted from the overall area, together with the 73 sq.m. area at the north eastern corner of the site, open space provision remains at over 10%.

- 7.5.6. I consider that the central green provides a high quality, accessible and well-designed amenity area for existing residents of Streamstown Wood and future residents of the development and landscaping proposals will further enhance the amenity of this space. I share the concerns raised by Fingal County Council in relation to the amenity and usability of the 73sq.m. of open space proposed at the junction of Park Avenue and Streamstown Lane.
- 7.5.7. The Parks and Landscape Department in Fingal County Council raised no objection to the overall quantum and quality of open space provision and I similarly have no objection.
- 7.5.8. Objectives DMS75 and DMS76 of the Fingal County Development Plan state that a playground should be provided at a rate of 4 sq.m. per residential unit with one piece of equipment per every 50 sq.m. of playground. No playground facilities are proposed as part of the development and the applicant has made a case that the development is currently served by the playground within Phase 1 of the development.
- 7.5.9. I note the grounds of appeal which state that the existing playground has been built and maintained by a management company/residential group and the ownership of this area is disputed. However, as detailed later in this appeal, I consider this issue to be a civil matter. The playground is located within the blue line boundary and identified as lands within the applicant's ownership within the planning application drawings.
- 7.5.10. No objection has been made by Fingal County Council to the lack of a playground within the development and I note that the lack of playground facilities was not raised by the planning authority under PA Ref F18A/0168.

#### *Western Boundary Treatment*

- 7.5.11. The observation on the appeal by the residents of The Farmhouse, Streamstown Lane raises concern in relation to the western boundary treatment for the site detailed in Condition no. 4(a) of the notification of decision of Fingal County Council

to grant permission for the proposed development. This condition specifies a 2.5m brick wall with “rendered finish” along the western site boundary.

- 7.5.12. Having reviewed the planning history for the site, existing site conditions and the planners report I consider that the reference to rendered finish on the brick wall is a drafting error in the wording of Condition 4 (a). Under PA Ref F18A/0168 a condition was attached specifying that the boundary treatment should comprise a 2.5m high brick wall which should be put in place prior to the commencement of any building works on site.
- 7.5.13. I consider that the finish of the brick with render would be inappropriate and would detract from the visual amenity of the area and form an inappropriate interface with adjoining properties. I recommend that the reference to “rendered finish” should be removed from this condition in the instance that planning permission is granted for the development.

## **7.6. Access and Transportation Issues**

- 7.6.1. A range of access and transportation related issues are raised within the third-party appeals. Concerns raised relate to insufficient public transport to support the density proposed, traffic impact, limited capacity of the adjoining road network to support the proposed development together with existing and permitted development, lack of a TTA and constraints of Streamstown Lane and Careys Lane.
- 7.6.2. The first party appeal also raises concerns in relation to the requirements of Condition no. 8 (b) which relates to road widths within the development and Condition 12 which relates materials for paths, kerbs and footpaths. I consider each of the points raised in turn as follows.

### *Insufficient Public Transport*

- 7.6.3. The appellants cite national policy and Development Plan objectives which seek the integration of land use and transportation and a case is made that the proposed density of development is not supported. It is stated that the proposal does not comply with the requirements of Objective SS17 which states that development in Malahide should be linked to the capacity of high-quality public transport connections and the provision of school and community infrastructure.

- 7.6.4. A case is made that there is a lack of public transport in the vicinity of the site to support the proposed density of development. The site is a 2.5km walk from Malahide Dart Station and the only bus serving the area is no. 42 along Malahide Road to the east. The appellants refer to the lack of footpaths or public lighting along Streamstown Lane which connects to Malahide Road.
- 7.6.5. In response to the grounds of appeal, the applicants refer to existing Dublin Bus services in the area including the no. 42 along Malahide Road with a stop located c. 150 m to the east of the appeal site connecting to the City Centre and a stop serving c.200 m along Malahide Road serving Malahide. At peak hours a service is provided every 20 minutes and every 30 minutes during off-peak hours. The no. 43 bus stop on Feltrim Road is also within 400 of the site.
- 7.6.6. On review of the above I consider that the area is adequately served by public transport to serve the density of development proposed including a frequent service within 150m of the site connecting to the City Centre every 20 minutes during peak hours. The provision of improvements to Streamstown Lane as permitted under PA Ref F19A/0446, ABP Ref 306844-20 will furthermore provide enhanced pedestrian linkages to existing bus stops on the Malahide Road.

#### *Traffic Impact*

- 7.6.7. Third party appeals raise concerns in relation to the lack of a Traffic and Transport Assessment to support the application and lack of a cumulative traffic impact of the proposal in tandem with recently permitted development (estimated at 73 houses on the lane). A case is the proposed density of made that there is a requirement in the County Development Plan for submission of a TTA for over 50 units.
- 7.6.8. Traffic impact is addressed within the Engineering Assessment Report submitted in conjunction with the application. This outlines that the proposed development comprising 57 no. houses would generate c.33 two-way trips in the AM peak (8am to 9am) and 29 in the PM peak (5pm to 6pm). These figures are based on a high modal split of 67% by private car. The equivalent peak hour figures for the development permitted on site under PA Ref F18A/0168 was 19 in the AM peak and 17 in the PM peak.
- 7.6.9. While I acknowledged the constraints on the surrounding road network, it is my view that the potential number of trips generated by the proposed development would not



have a significant impact on the capacity of the network over and above the development previously permitted on site and that the proposed development would not result in a traffic hazard or generate any road safety issues.

- 7.6.10. The proposal will deliver much needed improvement works to Streamstown Lane which would be delivered in advance of works commencing on the site.

*Works to Streamstown Lane,*

- 7.6.11. Access to the site is provided to the site via Streamstown Lane to the north of the site. 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 or lighting on either side of the road.
- 7.6.12. Third party appeals on the application make a case that Streamstown Lane is unsuitable to accommodate additional traffic due to insufficient road width, lack of footpaths and existing queuing during the morning peak. The appellants have made the case that permission should not have been granted for the proposal in the absence of improvement works to Streamstown Lane.
- 7.6.13. Reference is made to a separate application by the application under PA Ref F19A/0446 for improvement works to Streamstown Lane and the requirements of Condition no. 3 of the permission which state to implement these works prior to the commencement of development. However it is stated that this application is currently subject to appeal to An Bord Pleanála (PL06F.306844-20) and improvement works would not be delivered in the instance that planning permission was refused.
- 7.6.14. From review of the planning history I note that it has been a long-term objective of Fingal County Council to deliver improvements to Streamstown Lane. Improvements to Streamstown Lane are proposed within the subject application and within a separate application lodged by the applicant under PA Ref F19A/0446. Under PA Ref F19A/0446 planning permission was granted by Fingal County Council for improvements to Streamstown Lane over a distance of 120 m from the junction with Malahide Road. The proposed improvements include increasing 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 and relocation of an existing vehicular

entrance. This application was subject to appeal to An Bord Pleanála (PL06F.306844-20) and a decision to grant permission has recently been issued.

- 7.6.15. I have therefore considered the proposal in light of the recently approved road improvements at Streamstown Lane. The grounds of appeal which refer to the prematurity of the proposal pending a decision on the application for upgrades to Streamstown Lane are therefore addressed.
- 7.6.16. In terms of the delivery of these works, I note that condition no. 3 of the notification of decision of Fingal County Council to grant permission for the proposed development outlines that no development will commence on site prior to the completion of improvement works to Streamstown Lane approved under PA Reference F19A/0446.
- 7.6.17. I consider it appropriate to include a condition to this effect in the instance that planning permission is approved for the proposal to facilitate the orderly development of the area.
- 7.6.18. I note the requirements of Condition no. 2. (a) of ABP Ref 306844-20 which state that:

*“The table-top ramp at the junction of Park Avenue and Streamstown Lane shall be omitted from the proposed development”*

- 7.6.19. This reflects condition no. 4 attached to the decision of Fingal County Council to grant permission for the proposal. A rationale for the inclusion of this condition is detailed within the Inspector’s report as follows:

*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.*

7.6.20. Details of ramps at the junction of Streamstown Lane and Park Avenue should be subject to agreement with Fingal County Council in the instance that permission is granted for the proposed development.

*Improvements to Carey's Lane*

7.6.21. Concerns in relation to the existing condition of Careys Lane are also raised within third party appeals. It is stated that the road is in poor condition, lacks footpaths, public lighting and cycleways and has no connection to public transport.

7.6.22. The applicant's response to the grounds of appeal detail that improvements to Careys Lane were implemented as part of Phase 1 of the Streamstown Wood development. It is furthermore stated that the provision of through route as part of the proposed development connecting Park Avenue to the main access to Streamstown Wood from Careys lane will provide an alternative route for pedestrians.

7.6.23. In additional to the above I note that improvements are proposed to the junction of Streamstown Lane and Careys Lane in the vicinity of units 56 and 57 will enhance visibility and address the "blind bend" at this location. The provision of a 3m wide footpath and provision of a raised table will reduce speeds and provide enhanced pedestrian linkages in the area. I consider that the proposal will incur improvements to Careys Lane in this regard.

*Inadequate Sightlines - Junction of Careys Lane and Streamstown Lane*

7.6.24. The appellant asserts that sightlines at the two units in the north west corner of the site (units 56 and 57) cannot comply with minimum regulations.

7.6.25. In responding to the grounds of appeal, correspondence from Waterman Moylan Consulting Engineers Limited outlines that the sightlines provided at this location are in accordance with the requirements of DMURS. It is stated that the provision of a raised table will impose a lower design speed of 30 kmph and improve visibility for the entire junction. The correspondence outlines that the raised table was included at the junction of Careys Lane and Streamstown Lane following discussion and consultation with Fingal County Council.

7.6.26. I note that the issue of sightlines from the properties at the north west corner of the site was raised by Fingal County Council within the request for further information and clarification of further information. Drawing no. 19-076-P060 submitted in response to the planning authority's request for clarification of further information illustrates the provision of a raised table in the vicinity of the site which reduced vehicular speeds at this location. A visibility splay of 28m is provided which is over and above the required standard of 23m for a 30km/ph zone.

7.6.27. I have no objection to the access arrangements to these units and consider that the works proposed will improve the road network in the vicinity for all road users.

*Condition 8(b) – Internal Road Widths*

7.6.28. Condition 8b of the permission requires that internal roads within the proposed development shall be a minimum of 5.5m to facilitate access and circulation for service and emergency vehicles. The first party appeal requests amendments to the wording of Condition 8 (b) to accommodate the proposed 5m road width at the northern end of the circulatory space to align with the existing road around the public open space. The applicant has made a case that given the circulatory layout minimal reversing and turning movements are envisaged. Reference is made to an auto track drawing submitted in conjunction with the application (Drawing no. 19-076-P050) which illustrates a refuse vehicle manoeuvring within the site.

7.6.29. Roads widths within the development range from 5 to 5.5m to ensure a road hierarchy is established. The applicant makes the case that this route would be classified as a local road and DMURS sets out standards for local roads of between 5 to 5.5m. Reference is made to ABP 300492-17 where permission was granted for a local access road of 5m in width.

7.6.30. Fingal County Council's response to the grounds of appeal states that that deviation from the requirements of DMURS has not been successful and is not in line with DMURS. It is stated that the applicant cites a relaxation of standards in Dublin City and such having regard to the semi-rural nature of the site this comparison is not appropriate.

7.6.31. At the outset, in considering the grounds of appeal, I note Section 4.4.1 of DMURS states that "*The standard carriageway width on Local streets should be between 5-*

5.5m (i.e. with lane widths of 2.5-2.75m)". In this regard I do not consider there to be a deviation from requirements of DMURS as referred to by the planning authority.

7.6.32. I note that initial report from the Transportation Planning Section which outlines that *"the proposed layout ties into the existing development and is in line with previously granted permissions on the site"* and no concerns in relation to the width of the road by the Transportation Planning Section at either furthermore information or clarification of further information stage. The auto track drawings submitted demonstrate that there is appropriate space for manoeuvring within the site. In this regard I do not consider that there is justification for increase in the width of the road in accordance with the requirements of condition 8(b).

*Taking in Charge - Condition no. 12*

7.6.33. The first party appeal relates to Condition no. 12 of the permission which outlines: *"That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the Council"*.

7.6.34. The applicant requests that this condition be amended to exclude paths, verges and kerbs. The applicant wishes to match existing paved paths, verges and granite kerbs. A case is made that the applicant is seeking to harmonise the development with existing materials and finishes. The Taking in Charge standards for Fingal County Council would preclude this from happening as they are not equivalent.

7.6.35. In response to the grounds of appeal Fingal County Council have stated that while the applicant intends to provide materials which are consistent with Phase 1, it is noted that Phase 1 is currently under control of a Management Company. A case is made that costs associated with maintenance of the proposed materials would be significant and it is recommended that the estate should be constructed to taking in charge standards in the instance that there is a request for the development to be taken in charge by the planning authority.

7.6.36. On-site inspection I note that the existing materials within Streamstown Wood have been developed to a high specification as illustrated within the attached presentation document. I consider the desire of the applicant to replicate such standards within the proposed development to be commendable.

- 7.6.37. The application documentation details that the applicant met with Fingal County Council and it was agreed that the roads and underground services would be taken in charge within the development and remaining areas including paths, grass verges and open space will be transferred to an owners Management Company.
- 7.6.38. On the basis of these arrangements I have no objection to the use materials which are consistent with the existing Phase 1 development and recommend amendments to the wording of Condition 12 in this regard in the instance that permission is granted.

## **7.7. Water Supply, Drainage and Flood Risk**

- 7.7.1. The proposed development would connect to the public foul drainage and water supply networks. Full details are set out in the engineering drawings and the engineering services report accompanying the application. While concerns relating to wastewater capacity are raised within the third-party appeals, I note that the PA and Irish Water have no objection to the proposed drainage arrangements.
- 7.7.2. A number of third-party appeals raise concerns in relation to flood risk associated with the proposed development. A case is made that the development is premature pending an updated flood risk assessment by the OPW for the Streamstown Area as the previous study identifies an incorrect route for the river. It is stated that the flood risk assessment was based on incorrect information and is therefore not robust.
- 7.7.3. The Streamstown Area is specifically addressed within Section 6.1.14 of the Strategic Flood Risk Assessment prepared to inform the Fingal County Development Plan 2017-2023. No flood zone areas are identified within the appeal site within the SFRA. Lands to the north of the site at the opposite side of Streamstown Road are identified within Flood Zone A adjacent to the Sluice River. Section 6.1.14 identifies that the OPW are currently carrying out updated flood mapping for the area.
- 7.7.4. A Flood Risk Assessment was submitted in conjunction with the application. In responding to the grounds of appeal, the applicant has made a case that the Flood Risk Assessment is based on the most up to date information available from the OPW website. The flood maps on the OPW website detail an area of flood zone B within the site.

- 7.7.5. The Flood Risk Assessment considers potential flood risk due to tidal, fluvial, pluvial, ground water and human/mechanical error. The assessment identifies that flood risks associated with tidal, ground water, human mechanical error are identified as extremely low/low.
- 7.7.6. In terms of pluvial flooding the FRA outlines that the OPW maps do not identify the appeal site as being within an area at risk of pluvial flooding. Design measures have been integrated within the development including SUDS and setting FFL above road levels to ensure low residual risk from flooding.
- 7.7.7. Section 3 of the report relates to Fluvial Flood Risk and identifies that the subject site is located 1550 m to the north of the River Sluice and an existing culvert traverses the site. Figure 5 of the FRA entitled "Site-Specific Fluvial Flood Risk Map" identifies a small localised area of Flood Zone B along the western site boundary. Risk from fluvial flooding is therefore identified as moderate.
- 7.7.8. The Flood Risk Assessment identifies the Flood Zone B area as a natural localised low point due to site stripping during the previous construction phase and flooding in this area is caused by out of bank flow. On-site inspection, I noted that water was evident in this area as illustrated within the attached presentation document.
- 7.7.9. Section 5.15 of the Flood Risk Management Guidelines requires that where a vulnerable development which includes housing is located in a flood zone A or B, the planning authority must be satisfied that the proposed development complies with the requirements of a justification test.
- 7.7.10. The Flood Risk Assessment outlines the following in respect of compliance with the justification test:
- The site is zoned objective 'RS' which seeks 'to provide for residential development and protect and improve residential amenity'. The proposed development complies with Part 1 and 2 of the Justification Test.
  - The proposed development will not increase flood risk elsewhere.
  - FFL range between 10.1m and 12.6m OD Malin. Thus, the minimum floor level is 3.35m above the 1:1000 year storm event flood levels.
  - Emergency evacuation routes are easily accessible

- Site levels are managed so that overland flows are not directed into the site
- Compensation is provided for within the public open space.
- The total extent of the indicated low zone is 700 sq.m. with an approximate depth of 30mm. This results in a total volume of 21m<sup>3</sup>. A compensation storage area if formed in the public open space of 150 sq.m providing 22.5m<sup>3</sup> compensation storage.

7.7.11. I note the reference within the grounds of appeal to a refusal of permission for a dwelling issued on an adjoining site to the east of the application site on grounds flood risk having regard to its location on Flood Zone B lands under PA19A/0560. This application was subject to appeal to An Bord Pleanála and a decision to grant permission for the development was recently issued by the Board (PL06F. PL06F.306645-20).

7.7.12. The planner's report which accompanies the notification of decision of Fingal County Council to grant permission for the proposed development details that the Water Services Division reassessed the flood risk assessment submitted in conjunction with the application in terms of flooding in light of the decision issued by the planning authority under PA Ref 19A/0560 and submissions on the application. Feedback received from the Water Services Department detailed that the Flood Risk Assessment is "robust and provides for adequate mitigation measures".

7.7.13. Correspondence on file from the Water Services Division details that the drainage system in Streamstown is currently being surveyed and initial feedback received by the Council details that the condition of existing culverts at this location is poor. The development includes a proposal to realign a section of the existing sewers within the site and the requirements of Condition 10 facilitate further consultation with the planning authority and on-site investigations/ improvements prior to the commencement of development.

7.7.14. Having regard to the above I do not consider the application to be premature pending further flood risk studies in the area by the OPW. The Flood Risk Assessment has been prepared in light of up to date information from the OPW which identifies a small portion of the site within Flood Zone B. I consider the proposal to be in compliance with the requirements of the Justification Test as



detailed within the Flood Risk Management Guidelines and note that no objection to the proposed development has been raised by the planning authority.

- 7.7.15. I consider that the applicant has demonstrated that the risk of flooding to the proposed development is low and will not exacerbate flood levels within the site or surrounding area. Appropriate mitigation measures have been incorporated within the development including appropriate floor levels and provision of compensatory storage.

## **7.8. Procedural/ Legal Issues**

### Site Ownership

- 7.8.1. Issues relating to the ownership of the site have been raised throughout the application process and again with the 3<sup>rd</sup> appeals on the application. The issue of ownership was raised by the planning authority within the request for further information. In response applicant submitted a correspondence from Eversheds Sutherland Solicitors confirming the ownership of the site.
- 7.8.2. The appeals on the application outline that the lands comprising the common areas of the existing Streamstown Wood estate and the existing access roads onto Streamstown Lane via Park Avenue and Streamstown Wood are currently the subject of Circuit Court proceedings (ref 2020/00652).
- 7.8.3. The applicant's response to the grounds of appeal states that the transfer of the common areas is a legal issue and civil matter. It is stated that the applicant is aware of its obligations under the Multi Unit Developments Act 2011 and will comply with all relevant obligations.
- 7.8.4. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence that they have sufficient legal interest for the purposes of the planning application and decision. [Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal.] In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act which states that a person is not entitled solely by reason of a permission to carry out any development.

### Validation – Public Notices

- 7.8.5. The issue of the validity of the public notices advertising the Significant Further Information is raised within appeals on the decision. In this regard it is stated that the notices did not include a description of the proposed development. The appeals furthermore raise concern relating to material changes to the original application which had been made to provide a raised table/ramp at the junction of Streamstown Road and Careys Lane which are not detailed in the notice. It is stated that no consultation was undertaken with residents or businesses in the area in advance of offering this option to the developer.
- 7.8.6. In response to the grounds of appeal the applicant has made the case that extensive consultation has been undertaken in respect of the application.
- 7.8.7. In terms of procedural matters and the alleged insufficiencies of the public notices I note that the notices were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations.

### **7.9. Development Contribution - Condition no. 21**

- 7.9.1. Condition no. 21 of the permission relates to a financial contribution of €50,616 in lieu of a shortfall of a 228 sq.m. playground within the development.
- 7.9.2. The first party appeal requests the removal of this condition. A case is made that the condition is unjustified and should be removed on the following basis:
- No reason is cited for the inclusion of the condition
  - The Fingal Development Contribution Scheme already includes for the provision of playgrounds in Class 3 of the Public Infrastructural Development of the Section 48 Scheme. The applicant is being charged twice for the provision of playgrounds.
  - No provision in the Development Contribution Scheme for a charge for any shortfall in playgrounds. A contribution cannot be attached if it is not part of the scheme.
  - Objective DMS75 of the Fingal County Development Plan sets out a requirement for a playground in residential developments with over 50 units.

There is an existing playground within the overall development owned by the applicant which would serve the required of existing and proposed residents.

- The entire development would accommodate 77 units. This would equate to a requirement of a playground of 308 sq.m. in accordance with the requirements of Objective DMS75 (4 sq.m. per residential unit). The existing development within the overall development is 229 sq.m. Therefore, the shortfall is equivalent to 20 units.

7.9.3. In response to the grounds of appeal Fingal County Council requests that costs associated with Condition 21 are retained in light of the shortfall of play space and requirements of Class 3. Reference is furthermore made to the disputed ownership of existing playground and outlines that this is a civil matter.

7.9.4. I have considered the grounds of appeal in light of the contents of the Fingal County Council Development Contribution Scheme 2016-2020.

7.9.5. Section 9 (a) of the scheme relates to the level of contribution payable per sq.m. of residential, industrial and commercial development and its allocation between Class 1 (Roads and Infrastructure facilities), Class 2 (Surface Water) and Class 3 (Community and Parks facilities and amenities ). Playgrounds are specifically identified in Appendix 2 of the scheme under the heading of Community and Parks, Class 3.

7.9.6. In addition to the above, Section 9(b) outlines that:

*“The Fingal Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. This contribution in lieu of open space will be levied at the following rates;*

1. *Class I Open Space - €100,000 per acre to purchase land based on the value of amenity land, plus €100,000 per acre for development costs.*
2. *Class II Open Space - €250,000 per acre to purchase land in residential areas, plus €100,000 per acre for development costs.*

*These rates may be reviewed by the Council from time to time having regard to market conditions. The contributions collected will be used for the provision of open*

*spaces, recreational and community facilities and amenities and landscaping works – see Appendix 2”.*

- 7.9.7. Objectives DMS75 and DMS76 of the Fingal County Development Plan state that a playground should be provided at a rate of 4 sq.m. per residential unit with one piece of equipment per every 50 sq.m. of playground. It is stated that all residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units. In this regard I note that a playground is provided within lands within the ownership of the application.
- 7.9.8. Unlike the objective pertaining to public open space provision DMS57B there is no reference to the provision of a financial contribution in lieu of playground facilities within the Development Plan.
- 7.9.9. No reason for the condition is cited within the planning authority’s decision. I note that the planner’s report outlines the following:
- “In the event of a grant of permission, the applicant shall be conditioned to pay a contribution in lieu equating to a 228 sq.m. playground. The amount shall be agreed with the Parks and Green Infrastructure Division and will be sought for the development of playgrounds in the Malahide area”.*
- 7.9.10. On review of Fingal County Council’s Development Contribution Scheme and the Fingal County Development Plan, I see no reference to payment of a financial contribution in lieu of non-provision of playground space within a development. I furthermore note that a playground is provided within the site. Having regard to the above reasons and considerations I see no justification for the attachment of Condition no. 21.

## **7.10. Appropriate Assessment**

- 7.10.1. A Screening report for Appropriate Assessment prepared by Openfield Ecological Services was submitted in conjunction with the planning application. This identifies that the proposed development is not located within or directly adjacent to any SAC or SPA.
- 7.10.2. The site is located c. 2km to the south of the Malahide Estuary SPA (Site Code: 004025) and SAC (Site Code: 000205). The Baldoyle Bay SPA and SAC (Site

Codes 004016 and 000199, respectively), c. 3.5km to the south east. The Malahide Estuary SAC and SPA is designated for its intertidal habitats and important wintering birds. The Baldoyle Bay SAC and SPA is designated for habitats including Mudflats and sandflats, Atlantic salt meadows, Mediterranean Salt Meadows and Salicornia and other annuals colonizing mud and sand and wintering birds.

- 7.10.3. The screening report identifies that pathways do exist via surface water and wastewater connections to Baldoyle Bay SAC/SPA and Malahide Estuary SAC/SPA respectively. Wastewater will be sent to the proposed treatment plant at Swords which discharges into the Broadmeadow River which in turn enters the sea at Malahide Estuary. Surface water will pass to the existing surface water sewer.
- 7.10.4. The characteristics of the proposed development are set out and it is stated that the proposed development will not result in direct impacts within any designated area, either through habitat removal or disturbance, due to separation distances involved.
- 7.10.5. The AA concludes that *“an assessment of the aspects of this project has shown that significant effects are not likely to occur to these areas either alone or in combination with other plans or projects”*.
- 7.10.6. It is my view that, having regard to the nature and scale of the development, the sites location in a serviced urban area, the infill nature of the site and the nature of existing development which separates the appeal site from the designated sites and to the nature of the qualifying interests, that the proposed development would not be likely to have a significant effect on the Malahide Estuary SPA and SAC or the Baldoyle Bay SPA and SAC .
- 7.10.7. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Malahide Estuary SPA and SAC (Site Codes: 004025 and 000205 respectively) or the Baldoyle Bay SPA and SAC (Site Codes 004016 and 000199, respectively) or any other European site, in view of the site’s Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 7.11. Other Issues

### Bat Survey

A bat survey is submitted in conjunction with the application. This details that there was no evidence of bats roosting on the site. Evidence of activity is noted in the adjoining laneways. I note the requirements of condition no 5 of the notification of decision of Fingal County Council to grant permission for the proposed development which relate to further examination of the stone wall prior to demolition and the requirement for lighting not to spill onto hedgerows or trees to the east of the site. I consider such conditions to be appropriate in the instance that planning permission is granted for the development.

## 8.0 Recommendation

I recommend that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site, the pattern of development in the area, the planning history for the site and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6th day of December 2019 as amended by further plans and particulars received on the 29 <sup>th</sup> of November 2019 and the 14 <sup>th</sup> of February 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
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	<p>authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Prior to the commencement of development, the developer shall undertake and complete the works Streamstown Lane as permitted under PA Ref 19A/0446, ABP Ref PL06F. 306844.20.</p> <p>Reason: In the interest of orderly development and of traffic and pedestrian safety.</p>
3.	<p>Prior to commencement of development the applicant shall submit for the written agreement of the planning authority an amended landscaping plan indicating the following:</p> <p>(a) The boundary treatment located along the western boundary of the site shall comprise a 2.5m high brick wall</p> <p>(b) The proposed eastern boundary mesh fence shall be finished black in colour</p> <p>(c) Grass verges shall not provided where a lamppost is provided except along the eastern boundary road along the boundary of houses 38 and 39 where 1.5 m of grass verge can hard surfaced to match the footpath around the 3 no. lampposts</p> <p>(d) The landscaping plan shall be implemented within the first planting season following completion of construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

4.	<p>The developer shall ensure that all mitigation measures set out in the Flood Risk Assessment are implemented in full, save as may be required by conditions set out below.</p> <p>Reason: In the interest of protection of the environment</p>
5.	<p>The developer shall ensure that all recommendations identified in the Bat Survey shall be implemented in full in addition to the following:</p> <ul style="list-style-type: none"> <li>a) A bat surveyor shall re-examine wall prior to demolition</li> <li>b) Install 3 Schwegler bat boxes on buildings or trees away from lighting and scrub.</li> <li>c) Lighting shall not spill onto hedgerows or trees to the east or west of the site.</li> </ul> <p>Reason: To protect the biodiversity of the area.</p>
6.	<p>The recommendations of the tree survey submitted to the Planning Authority on the 24<sup>th</sup> of September 2019 shall be implemented, save as may be required by other conditions. The developer shall also comply with the following requirements:</p> <ul style="list-style-type: none"> <li>a) Tree Protection Plan to be implemented prior to the commencement of development.</li> <li>b) No compounds shall be located in the open space or within the RPA's.</li> <li>c) Tree works and excavations within RPA's are to be undertaken under supervision of an arboricultural consultant.</li> </ul> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
7.	<p>The developer shall comply with the following requirements:</p> <ul style="list-style-type: none"> <li>a) All bathroom/ en suite windows shall be fitted and permanently maintained in obscure glass. The use of film is not permitted.</li> <li>b) No dwelling shall be occupied until all services have been connected and are operational.</li> </ul>



	<p>c) Each proposed house shall be used as a single dwelling unit.</p> <p>Reason: In the interest of residential amenity</p>
8.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Details of the proposed re-alignment of the existing surface water sewers along Streamstown Wood shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
10.	<p>The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
11.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>The applicant shall comply with the following Transportation Requirements:</p> <p>a) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes;</p> <p>b) the build out on the access lane off Park Avenue to the south of the proposed development shall be omitted.</p> <p>c) The area outside of the front boundary wall for units 56 and 57 shall form part of the public footpath and shall be constructed to the Council's standard for taking in charge. These works shall be carried out prior to the commencement of the construction of the residential units.</p>

	<p>d) Details of all ramps including the table-top ramps at Streamstown Lane shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>e) Where necessary the relocation of underground and overground services and poles to facilitate the development shall be agreed with the planning authority and at the developer's expense.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
13.	<p>The internal road network serving the proposed development shall comply with the standards set out in the Design Manual for Urban Roads and Streets (DMURS)</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
14.	<p>The developer shall construct and maintain to the Council's standard for taking in charge all the roads, open space, sewers, watermains and drains forming part of the development until taken in charge by the Council.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
15.	<p>Proposals for a house naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
16.	<p>The proposed houses shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within noise zone B of Dublin Airport.</p> <p>Reason: In the interest of residential amenity.</p>
17.	<p>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</p>

	<p>development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development.</p>
19.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>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.</p>
20.	<p>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.</p> <p>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.</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall that arises based on the standards set out in Objectives DMS57 and Objective DMS57B of the Development Plan and 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</p>

	<p>An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Stephanie Farrington  
Senior Planning Inspector  
22<sup>nd</sup> of September 2020