



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309707-21

<b>Development</b>	Construction of 2no. two storey dwellings with single storey garage attached to House no. 1, amendments to granted permission F15A/0151 (ABP Ref. PL06F.245088)
<b>Location</b>	Monks Meadow, Coast Road, Portmarnock, Co Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0663
<b>Applicant(s)</b>	Eoin Blacklock, Julie-Ann Doyle and Johnathan Crowe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Monks Meadow Resident Group
<b>Observer(s)</b>	Nigel Ross Iver and Lotte Christensen Oran and Kasia O'Siochain
<b>Date of Site Inspection</b>	16 <sup>th</sup> of June 2021
<b>Inspector</b>	Angela Brereton

## 1.0 Site Location and Description

- 1.1. The application site is located at Monk's Meadow, c.0.5kms from Portmarnock to the south and c.1km to Malahide to the north. It is accessed via a private road off Coast Road (R106). It is an undeveloped parcel of land with a stated area of 0.89ha situated at the outer edge of the development boundary of Portmarnock. While within the 'RS' Residential Zoning, to the immediate north and west lies a rectangular piece of 'HA' High Amenity lands – Robswall, which separates Portmarnock from Malahide to the north.
- 1.2. The site is greenfield and undulating, and there are level differences within the site. The southern boundary of the site to the lane is open and there are hedgerows along the northern, eastern and western site boundaries. The site is at the edge of the urban area and is located in a low-density residential area.
- 1.3. There are 3no. vehicular entrances at the top of the lane adjacent to the entrance to the subject site. Westwards the lane widens as it approaches the site. There is one other entrance midway along the lane. The access lane then gets narrower towards its access to the Coast Road. The eastern end of the lane is c.4m (as measured on site) at its narrowest point. It is noted that this end of the lane has recently been tarmacked and any overhanging hedgerows cut back. The entrance to the property 'Windward' while it opens out onto the wider part along the recessed area to the road frontage, is proximate to the entrance to the lane. The Coast Road is busy fast road and visibility is restricted in a southerly direction. The site is within the urban speed limits. It is noted that there are bus stops in the vicinity.

## 2.0 Proposed Development

- 2.1. This proposal consists of the following:
  - (a) The construction of 2no. two-storey contemporary style detached dwellings with sedum-green roofs with a single storey garage attached to House No.1;
  - (b) Provision of 2no. on-site curtilage car parking spaces for each dwelling;
  - (c) Private amenity space in the form of rear gardens with patios;

- (d) Bin collection point, new entrance and internal roadway off existing private road in ownership of applicants;
- (e) Part realignment and improvement works to existing private road including 1.5-1.8m wide pedestrian footpath with pedestrian crossing ramp, improvement works to entrance and boundary treatment to 'Little Monks Meadow' comprising 1.1m high front boundary wall and 3m wide vehicular entrance;
- (f) Amendments to granted permission F15A/0151 (ABP Ref. PL06F.245088) to realign access and boundaries to each of 2no. permitted units, and revisions to access road layout from what was previously permitted; and
- (g) Landscaping, boundary treatments, SUDS drainage, and all other ancillary site development works necessary to facilitate the development of the site.

Documentation submitted with the application includes the following:

- Planning Report - Brock McClure Planning & Development Consultants
- Design Drawings by Marco Architecture
- Tree Report and Drawings by Charles McCorkell Arboricultural Consultancy
- Transport Statement and Drawings by ARUP Consulting Engineers
- Engineers Report and Drawings by Barnett Mahony Consulting
- Letter of Consent from Fingal County Council
- Landscape Plan by Macro Architecture
- Survey Report and Drawings by Hempenstall Surveys.
- A letter from Dodd & Company Solicitors on behalf of the applicants, Eoin Blacklock and Jonathon Crowe relative to their acquiring the site in 2015.
- Letter of Consent from other landowners (Jessica Garner and Shaun & Mark Cullen) for the making of the application have also been submitted.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 19<sup>th</sup> of February, 2021 Fingal County Council granted permission for the proposed development subject to 19no. conditions. These conditions in general relate to issues of design and layout, infrastructure including access and drainage, landscaping and provision of a tree bond, boundary treatments, construction management, security for provision and satisfactory completion of services, and development contributions, including in lieu of the shortfall of open space.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made and the interdepartmental reports. Their Assessment included the following:

- Residential development is acceptable in principle within this zoning objective, subject to assessment and compliance with the policies and objectives of the Fingal DP 2017-2023.
- Notwithstanding that the proposed development is for 2 dwellings, the overall development on the site would ultimately consist of 4no. dwellings (F15A/0151/E1).
- They note the history of the site and the Transportation Section previous concerns about the proposed development, that additional turning movements onto the R106 would lead to conflict between road users and endanger traffic/public safety.
- They consider that the applicant is seeking to address the concerns of the Board relative to the access/roads issue.
- They note that a small portion of land at the entrance to the junction is within the ownership of Fingal Co.Co. A letter of consent has been attached in this regard.

- They have regard to ownership issues and to the Development Management Guidelines and to Section 34(13) of the Planning and Development Act 2000 (as amended).
- They provide that having regard to the nature of the proposed works and the location within an established residential area, separated from the protected sites by way of the Coast Road would not give rise to AA issues.
- They conclude that having regard to the context of the current proposal which seeks a reduction in the number of dwellings compared to previous proposals, that subject to conditions the proposal accords with the policy and objectives of the Fingal DP 2017-2023. That the development would integrate appropriately within the surrounding context without undue impact to the visual and residential amenity of the area. That it would be consistent with the proper planning and development of the area.

### 3.3. Other Technical Reports

#### Transportation Planning Section

They note that the access lane has been improved from the permitted layout in the current proposal. That the access road is a cul-de-sac and complies with DMURS in terms of use as a shared surface. That the proposed footpath and crossing point is an improvement in terms of pedestrian safety and facilities. That there is sufficient for at least two cars to queue at the entrance without causing obstruction or disruption to the public road. They are satisfied with the improvements to the access lane and entrance layout, have no objections and recommend conditions.

#### Parks and Green Infrastructure

In the event, that permission is granted they recommend conditions relative to retention of trees and landscaping scheme. Also, that a tree bond of €5000 be included. They recommend a contribution in lieu of the shortfall in public open space.

#### Water Services

They have no objections subject to recommended conditions.

### 3.4. Prescribed Bodies

#### Irish Water

They requested F.I relative to the submission of a pre-connection enquiry in order to determine the feasibility of connection to the public water/wastewater infrastructure.

#### Dublin Airport Authority

They note that the proposed development is located with Noise Zone C. They have regard to Objective DA07 of the Fingal CDP 2017-2023 relative to controls on development and mitigation measures.

### 3.5. Third Party Observations

Submissions have been received from local residents. Their concerns have been noted in the Planner's Report and in summary include the following:

- Traffic hazard – as a result of the pinch point and narrow width of the lane and inadequate sightlines at the entrance to the Coast Road.
- Concern about the number of entrances, including the increase in traffic volume resulting from the proposed new build using the narrow laneway.
- Objections to the proposed design of the roadway and to the inclusion of a footpath. That it would not comply with minimum standards.
- Loss of amenity and privacy for local residents.
- The junction with Coast Road is complex and also serves a number of neighbouring properties. Sightlines are inadequate.
- The proposal does not address the issues raised in previous Board refusals.

It is also of note that a Submission was made relative to the application by O'Neill Town Planning on behalf of the Monks Residents Action Group. As these are the subsequent Third Party Appellants their concerns are noted and considered further in the context of their grounds of appeal and in the Assessment below.

## 4.0 Planning History

The Planner's Report and the Third Party Appeal notes the extensive planning history of the subject site. This includes the following:

- **ABP Ref. No. ABP-304934-19 [P.A. Reg. Ref. No. F19A/0039]:**– Permission granted subject to conditions by the Council for in summary the Construction of 7no. detached 2 storey dwelling units and all associated site works. The description of development included works to the access and widening and improvement works to the existing private roadway. This proposal was subsequently refused by the Board for the following reason:

*Having regard to the scale of the proposed development, in conjunction with existing development, and the narrow access lane to the site from the public road, it is considered that the additional traffic associated with the proposed development, notwithstanding the proposed arrangements for traffic management and calming, as well as the improvement of the access lane, would give rise to additional turning movements at the junction of the access lane and R106 Regional Road, would lead to conflict between road users and endanger public safety by reason of traffic hazard, and would result in a proliferation of access points on to a regional road in close proximity to each other. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

- **ABP Ref. No. PL06F.300471 [P.A. Reg. Ref. No. F17A/0500]:** Planning permission was refused for in summary 7 no. two storey contemporary style dwellings with single storey garages, access and ancillary works. The single stated reason for refusal related to capacity issues for the private road serving the site, road safety and traffic hazard concerns.
- **P.A. Reg. Ref. No. F17A/0175:** Planning permission was refused in summary for the construction of 9 no. 2-storey contemporary style detached dwellings with 3 of the proposed dwellings also having a single storey detached garage within their curtilage; access and ancillary works. The single stated reason for refusal relates to capacity issues for the private road serving the site, road safety and traffic hazard concerns.

- **P.A. Reg. Ref. No. F15A/0151:** Construction of 2no. two storey five bedroom detached houses with attached garages, parking and vehicle turning areas, new road access off existing private road, landscaping boundary treatments, foul and surface water drainage, part realignment and improvement works to existing private road, and all associated services and site works on 0.49hectares. The proposed development is identical to the northern section (2no. dwellings) of a previously approved development of 4no. dwellings ABP Ref. No. PL06F.228945 [P.A. Reg. Ref. No. F07A/1363]. Decision to grant permission upheld on appeal to An Bord Pleanala.

F15A/0151/E1 - Grant extension of duration up to and including 3<sup>rd</sup> of January 2026. Therefore, this permission is still current.

Part of the western portion of the subject site and land adjoining part of the southern boundary of the site.

- **ABP Ref. No. PL06F.228945 [P.A. Reg. Ref. No. F07A/1363]:** A planning application for demolition of the existing house and the construction of 4 no. detached dwellings on a site comprising the western section of the appeal site and lands to the south of it comprising a residential property known as 'Carrigfoyle'. Two of the dwellings were situated on the appeal site, while two were on the 'Carrigfoyle' lands. The Planning Authority granted permission. The decision was subject to a 3<sup>rd</sup> Party appeal. An Bord Pleanála upheld the decision of the Planning Authority and granted permission. Under P.A. Ref. F07A/1363/E1, permission was extended up to 5<sup>th</sup> day of February, 2017.

### **In the vicinity**

#### **Monks Meadows**

- **PL06F.244960 [P.A. Reg. Ref. No. F15A/0104]:** Planning permission to alter the development approved under PL06F.241124 to include amendments to the garden sizes of 4 no. approved dwellings fronting the Coast Road (5-8 Monks Meadow), provision of communal rear garden to the rear of the dwellings and retention of existing single storey house which was to be demolished under PL06F.241124 for use as a store. Permission refused by the Planning Authority. The decision was subject to a first party appeal. An



Bord Pleanála overturned the decision of the Planning Authority and granted permission.

- **PL06F.241124 [P.A. Reg. Ref. No. F12A/0015]:** On appeal to the Board planning permission for demolition of an existing single storey house and construction of 4 two storey houses on land to the south east of the appeal site (known as Monks Meadow), facing Coast Road, with a new shared access from the site to Coast Road granted.

‘Seascape’, adjoining property on part of the southern boundary of the site (Note: formerly the site of a dwelling house referred to as ‘Carrigfoyle’).

- **P.A. Reg. Ref. No. F17A/0281:** Planning permission granted for one detached two storey dwelling in the grounds of ‘Carrigfoyle’ Permission granted by the Planning Authority.
- **P.A. Reg. Ref. No. F16A/0087:** Planning permission granted for one detached two storey dwelling in the grounds of ‘Carrigfoyle’ a residential property located immediately south of the appeal site. The detached dwelling is identical to that approved under ABP Ref. PL06F.228945 [P.A. Ref. F07A/1363].

## 5.0 Policy Context

### 5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).
- Design Manual for Urban Roads and Streets (DMURS) 2019
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).
- Quality Housing for Sustainable Communities (2007).
- The Planning System and Flood Risk Management Guidelines (2009).

## 5.2. Fingal County Development Plan 2017-2023

*Zoning* - The site is located within the northern boundaries of Portmarnock. It is within the 'RS' - Residential zoning where the Objective seeks to: *Provide for residential development and protect and improve residential amenity.*

The Vision seeks: *Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.*

Sheet 9 Malahide-Portmarnock. Residential is permitted in principle within this zoning.

It is on the boundary with the area zoned 'HA'- High Amenity where the objective seeks to: *Protect and enhance high amenity areas.*

Section 11.4 of the Development Plan deals with 'Transitional Zones' and states that it is important to "avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones". In addition, Policy Z04 requires that proposals in such areas shall have regard to development in adjoining zones, particularly the more environmentally sensitive zones.

### *Placemaking*

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 DMS44: *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.*

It is of noted that as Section 1.6 refers to Strategic Policy and includes Portmarnock within these unique settlements - *Consolidate development and protect the unique identities of the settlements of ..Portmarnock..*

The appeal site falls within a Coastal Landscape Character Type, which is described as having an exceptional landscape value. The Plan states that "the coastal fringe is very sensitive to development due to the exposed nature of many of the coastal and

estuarine areas making them particularly vulnerable to intrusive development. Finding sites for new development along the coast will be difficult as new development is likely to be conspicuous". Objectives NH33 to NH39 of the Development Plan seek to safeguard the essential character of each of its defined landscape character types.

*Airport Noise* - The subject site is located in Zone C associated with Dublin Airport. Objectives DA07 and DA08 refer to restrictions and controls for new development and this includes:

Objective DA07: *Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone....*

#### *Chapter 12 – Development Management Standards*

Section 12.3 provides the Design Criteria for Urban Development and seeks to promote High Quality Urban Design. It refers to guidelines published by the Department of Environment, Community and Local Government in respect of quality housing and sustainable residential development. It also refers to the Design Manual for Urban Roads and Streets published jointly by the Department of Transport Tourism and Sport and the Department of Environment, Community and Local Government. Policy objectives PM31 to PM33 of the Development Plan seek to promote good urban design in accordance with these guidelines.

Section 12.4 provides the Design Criteria for Residential Development. This includes regard to the zoning objectives, mix of dwelling types and residential density. *In general the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines document Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). As a general principle and to promote sustainable forms of development, higher residential densities will be promoted within walking distance of town and district centres and high capacity public transport facilities.*

Objective DMS24 seeks to - *Require that new residential units comply with or exceed the minimum standards as set out in Tables 12.1 (Houses), 12.2 (Apartments/Duplexes) and 12.3 (Minimum Room sizes and widths for Houses and Apartments).*

Objective DMS30 - *Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.*

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 DMS73 provides for the use of Sustainable Drainage Schemes (SuDS).

Objectives DMS84-86 refer to private open space and boundary treatment and to ensure that all residential unit types are not unduly overshadowed.

Objective DMS87 seeks to ensure minimum private open space provision for houses - 75sq.m or more for a 4 bedroom house. This includes that narrow strips to the side shall not be included in the private open space calculations.

Table 12.8 provides the Parking Standards. 2 spaces within the curtilage of the site would be required for 3 or more bedroom houses.

Objective MT44 provides for Development Contributions.

Objective DMS57B – provides for Development Contributions in lieu of open space.

Objective DMS126 - Restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all county/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.

### **5.3. Natural Heritage Designations**

The subject site is located to the west of the Malahide Estuary SAC (site code:000205) and to the south-west of the Malahide Estuary SPA (site code: 004025).

#### 5.4. EIA Screening

5.5. Having regard to the nature of the proposed development and taking into account the residential land use zoning and the serviced nature of the site, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

O'Neill Town Planning have submitted a Third Party Appeal on behalf of Monks Meadow Resident Action Group. Their Grounds of Appeal include the following:

##### Development Plan Policy

- They have regard to the transitional location of the subject site, within the Residential zoning but adjoining the High Amenity 'HA' area of the Fingal CDP 2017-2023. They note planning policies and objectives relative to the sensitivity and visual amenity of the High Amenity area.
- The area surrounding the proposed site is low density, approx. 3.5 dwellings per hectare, which reflects its rural character, the access and the zoning.
- Regard to the coastal character of the area. They refer to Table LC01 of the CDP and note that the Coastal Type is regarded as having an 'Exceptional Landscape Value' and a 'High Landscape Sensitivity'.
- The additional four houses accessing the lane, would increase the number of cars trying to access the junction and would result in significant hazard at this junction. This would be contrary to Objective DMS126.
- Plans to have a cycleway at the bottom of the driveway are at an advanced stage. This implications of this have not been discussed relative to this application.

### Width of Existing Laneway and Entrance

- They note the narrowness of the lane and that it is 3.8m wide at its narrowest point. There is insufficient width between the Ross and Christensen's boundaries which straddles both sides of the lane.
- They query the measurements given on the applicant's drawings which they provide are incorrect. They note that the sections through the road are taken at a point where the width has been measured as 3775mm or approx. 3.8m.
- They provide details relative to the timber fence and the lane of iron posts lying to the north and inside the boundary of 'Windward'. Diagram 1 shows enlarged section of survey drawings attached.
- The available width at the pinch point. is approx. 3.8m and not 4.1m as stated in the application. They include photographs showing a survey staff across the width of the driveway.
- They have reviewed the Hempenstall Survey carried out and refer to the drawings and provide comments on this. Many of these relate to the width of the lane and to encroachment issues relative to property ownership issues.
- In summary they provide that the widening of the laneway as indicated by the applicants is not achievable. Nor are the works at the junction with the main road, that are proposed to increase the waiting area at the base of the laneway and continue the footpath to the junction of the main road.

### Access issues

- What is being accessed here is a reduction from seven to four on the applicant's lands, the generated traffic would have a significantly larger impact than is implied in the applicant's traffic report by ARUP.
- There is insufficient waiting area at the base of the laneway and no room for another vehicle to pass should they be stopped at this location.
- They query the location of the footpath relative to the narrow width of the access road. They consider applicants have failed to show that they have sufficient legal interest in the laneway to carry out all the necessary works.

- Waste, utility and other HGVs would be required to enter the laneway to serve a minimum of 8no. houses, to the detriment of both the safety and environmental quality of the lane in the future.
- Entrance from the laneway to the Coast Road is severely restricted and there is insufficient space for vehicles to queue when accessing the R106. They include photos and aerial photos showing the restrictions in width to the eastern end of the laneway and larger vehicles protruding onto the R106 as they wait to access the laneway.
- They submit that the physical infrastructure – roads, surface water and water supply – existing and proposed, is also lacking in the area.
- The documentation submitted does not support that the proposal can be carried out, to include footpaths etc. They consider that the footpath arrangement and the proposed changes cannot be accommodated.
- They consider that the design of the roadway and pedestrian footpath put forward does not give adequate protection to vulnerable road users.
- They note differences between this application and that previously submitted. The first concerns the removal of the pedestrian island that was proposed to the north of 'Windward'. They consider that the current application does not adequately address the complexities of this junction.
- The second is the reduction in units proposed in the current application. The current application along with the existing extant permission will double the traffic using the laneway. They consider that the proposed changes made are not sufficient to alleviate the problem.

### Sight Lines

- They are concerned about the lack of sight lines being available at the junction, and the lack of visibility of the junction when travelling along the R106. They refer to MTW Consulting Engineers comments on this issue.
- They refer to the Property Services Section of the Council drawing in relation to the area outlined in purple on Dev Gen 2. It is their contention that the outlined in purple only seems to relate to the area at the base of the footpath

adjacent to the main road and not to the area to the north where vehicular traffic would enter and exit.

- They concur with comments in previous Inspector's Reports relative to restricted sight lines.

### Conclusion

- Given the stated objectives and policies of the Planning Authority as expressed in the Statutory Development Plan, allied to the reasons given in previous decisions by the Planning Authority and An Bord Pleanala for similar developments on the site, this development must be seen as being premature pending the formation of a safe access point from the regional route and an adequate roadway to the subject site. In the meanwhile, the proposed development must be seen as contrary to the statutory Development Plan and as such inconsistent with the proper planning and development of the area.

## **6.2. Applicant Response**

Brock McClure have submitted a First Party response on behalf of the applicants. They also include a Report from ARUP Consulting Engineers and a Letter + Section Drawing by Hempenstall Survey. Their Grounds of Appeal include the following:

### Access

- This Technical Note focuses on the transport-related issues raised by the Appellant. They consider the Transport Statement prepared by ARUP to be robust and that it demonstrates that the previous reasons for refusal by the Board to have been overcome.
- The Applicant maintains the lane width measures 3.8 at its pinch point. However, the width of the pinch point is confirmed to be 4.1m by ARUP and Hempenstall Surveys considering the clearing of the hedges and straightening of the fences.
- The Transport Statement addresses the issue of pedestrian amenity, the footpath, and regarding vulnerable users. They provide that the revised layout addresses the issue of traffic hazard raised by the previous Board refusals. That the issue of sightlines is also addressed.



- The subject proposal positively addresses the previous reasons for refusal issued by the Board and in relation to the operation, safety and functionality of the access road including the protection of vulnerable road users.
- As part of the assessment the proposed junction and access layout were subject to Auto Track analysis (see Appendix A of the Transport Statement).
- The Traffic Assessment demonstrates that the volumes of traffic generated by the proposed development are expected to be negligible and would not result in any notable impact on junction capacity or queuing.
- The impact of larger vehicles using the entrance and the laneway has been addressed in the current proposal. They also refer to arrangements for bin collection to be collected from the road junction area.
- They provide details relative to sightlines from the yield point to the R106 and consider sightlines to be adequate. Figure 3 provides a Comparison of vehicle movement analysis. They consider that the road width, speed limit and forward visibility and road markings are such that safety is ensured.
- The current proposal will enhance the distribution of space for the different turning movements at the junction as a result of the inclusion of road markings and is an improvement on the existing situation. The current proposal complies with DMURS.

#### Ownership and Legal Interest

- They provide that the issue of encroachment is not substantiated and that the design of the proposal is fully reliant on lands owned by the Applicant.
- The applicant has confirmed their development rights associated with the land in question, matters of legal interest are not specifically a planning consideration and should not be used as a reason for refusing permission for development.

#### Conclusion

- While the constraints of the road are noted, these must be weighed against wider planning objectives and they ask the Board to consider the overall merits of this scheme including the improvements to the road as proposed.

- They include a letter regarding the Hempenstall Survey and a copy of drawing relative to the width of the laneway.
- This proposal has been shown to be adequate in terms of safety and operations from a traffic and technical point of view. They provide examples of other such developments, noting access off laneways and entrance to the public road. They note that planning permission was granted by the Council and consider that they have demonstrated that the proposed development is adequate from a transport planning and traffic engineering viewpoint.

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

Fingal County Council's response includes the following:

The application was assessed against the policies and objectives of the Fingal DP 2017-2023 and existing policies and guidelines. The proposal was assessed having regard to the development plan zoning objectives as well as the impact on adjoining neighbours and the character of the area.

Having reviewed the grounds of appeal, the Planning Authority remains of the view that the proposal is acceptable. The development was granted an extension of duration for 2no. houses up to and including the 26<sup>th</sup> of January 2026. That permission allows the applicants to utilise the access/egress arrangements the subject of this appeal. The Transport Section of the Council has no objection to the laneway either under F15A/0151 or F20A/0663.

They request the Board to uphold the decision of the Planning Authority and that condition nos. 14,17,18 and 19 be included. They note the Condition no.17 is the Council's sole mechanism to ensure security for built to the Council's Taking in Charge Standards.

### 6.4. **Observations**

Three separate Observations have been received from local residents summarised as follows:

### Iver & Lotte Christensen

- The owners of no.8 Monks Meadow have two gates onto the lane that border the site. They are concerned that the width and length of the laneway has not changed since the last 2 separate refusals from An Bord Pleanála (F19A/0039 & F17A/0500).
- The narrowest point of the laneway is only 3.8m and this is well established and verified by an independent surveyor as well as 2 Inspectors of ABP in 2 previous applications. They include drawings and photographs.
- The entrance point onto the south-east corner of the laneway has been impacted onto their property to facilitate this application without their consultation or consent.
- They query how the site boundaries along the lane in application seeking extension of permission F15A/0151E1 can differ from the current application.
- Fingal County Council's own Transport Department stated in previous applications that the access/egress should be a minimum of 4.8m wide and the footpath 1.8m i.e. the access lane should be a total of 6.6m wide.
- There would be implications for privacy of adjoining properties along and at the entrance to the laneway.
- They are concerned about the implications of the proposed development relative to the proposals for a cycleway along the Coast Road.
- They ask the Board to refuse permission in view of the incorrect and misleading measurement, the dangerous access/egress to the public road, failure to provide a safe secure pavement and undesirable precedent.

### Nigel Ross 'Windward' Coast Road

- He is the owner of 'Windward' which has separate access to his property adjacent to the access to the private lane.
- He is very concerned about the impact of this proposal on his property and states that the applicants do not have consent to interfere with his boundary fence and any work carried out would have to be outside his boundary.

- He is also concerned about the impact of additional traffic at the entrance to the laneway and hazard relative to proximity to his entrance.
- In addition, to ensure some form of effective traffic management is in place to maintain safety and in order to maintain safety at his gate.
- Excavations works proximate to his boundary will impact adversely on his boundary hedge.
- He encloses a report received from 'Land Survey' of DunLaoire who carried out verification at his southern boundary running alongside the laneway.

#### Oran and Kasia O'Siochain

- The access to 'Little Monks Meadow' borders the applicant's land and is accessed via the same entrance and driveway as the proposed development.
- The driveway is narrow and extremely restricted at its eastern end. This and the junction to the main road provide a traffic hazard.
- Recent applications were refused on the basis that the access could not support the level of development proposed. Despite the reduction in the number of houses proposed significant issues remain and they provide details of these. This includes relative to the inadequate width of the access laneway, possible traffic/pedestrian conflict along the laneway and accessibility for bin collections etc.
- Obstruction issues including relative to large vehicles using the access laneway. Issues of traffic conflict at the junction. It has not been demonstrated that suitable access has been provided. The situation is exacerbated by the fact that there are no sightlines to or from the proposed yield point on the driveway, for traffic turning in to the junction from the main road.
- There is a clear requirement for the applicants to provide a feasible and workable solution, that accepts the existing restrictions and provided suitable access to any low density proposed on this land.

## 7.0 Assessment

### 7.1. Context and Policy Considerations

- 7.1.1. The site is shown on Sheet 9 of the Fingal Development Plan 2017-2023 and is located within the 'RS' Residential Zoning where the objective is to: *Provide for residential development and protect and improve residential amenity.* This is at the edge of an established residential area, within the northern boundaries of Portmarnock. This area is separated from Malahide by Robswall Park to the west of the site which is within the 'HA' High Amenity land use zoning where the objective seeks to: *Protect and enhance high amenity areas.* The subject site is a transitional site next to a High Amenity area within a sensitive coastal landscape.
- 7.1.2. Regard is also had to the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*
- 7.1.3. Also, of note is Section 5.9 of the 'Sustainable Residential Development in Urban Areas Guidelines, 2009' which provides: *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.*
- 7.1.4. The First Party considers that having regard to the locational context that the proposed development is appropriate for this site, is in accordance with planning policies of the Fingal CDP 2017-2023 and will be in keeping with the pattern of development and character of the area. In addition, that the issues concerning the laneway and access have been overcome in the current application and that the proposal would provide a high level of accommodation for future occupants and would not injure the amenities of adjacent properties.
- 7.1.5. The Third Party and the Observers consider that having regard to the planning policies and objectives of the Fingal CDP 2017-2023, and previous decisions by the

Planning Authority and the Board to refuse permission for similar developments in the area of the subject site, relative to the proposed access arrangements, that the main issue concerns traffic hazard. That this has not been overcome in the current application and the development must be seen as contrary to the statutory Development Plan for the area and inconsistent with the proper planning and sustainable development of the area.

- 7.1.6. It is considered that the principle of an infill residential development is acceptable relative to the land use zoning. Any new application on the 'RS' zoned lands will be assessed on its merits based on the land use zoning and its suitability having regard to its location within a sensitive landscape. Regard is had further to the documentation submitted and as to whether the Board's previous reasons for refusal have been addressed in the current application. The substantive issue is relative to consideration of the access and implications for traffic hazard. Other issues include compliance with planning policy and guidelines, design and layout, impact on the residential amenities of neighbouring properties, drainage and impact on the pattern of development and character and amenities of the area. These are considered further in this Assessment below.

## **7.2. Differences in current application from that previously refused**

- 7.2.1. This is small cul-de-sac road which currently serves four houses. There is separate access to 'Windward' proximate to the access to the lane. There is concern that the laneway is severely restricted in terms of width close to the entrance and cannot be widened or redesigned to provide a safe access between the regional road and the proposed development. It is noted that a number of previous planning applications have been refused including by the Board for reasons of access arrangement and traffic hazard. The Third Party and Observers consider that these reasons for refusal remain unchanged relative to the current application. Issues have also been raised that the current proposal does not address the complexities of the junction with the Coast Road R106.
- 7.2.2. The First Party response provides that differences include that the current proposal will provide pedestrian amenity and crossing upgrades, along the laneway thus improving safety and access to public transport and pedestrian facilities including for

vulnerable users. They submit that the proposal will benefit access to the laneway for existing and proposed users. This includes through the provision of improved sight lines and signage along the access road and junction to increase traffic safety. They also provide that a more formal layout at the junction with Coast Road will enhance the safety of the 'Windward' entrance to the north. In addition, that the present proposal aims to improve the junction layout when compared with the existing situation and previous planning applications.

- 7.2.3. This planning application involves a reduction from seven to four houses and seeks to utilise the same access arrangements, however the reduction in units from that previously refused is noted. It is noted that, currently, there are four separate vehicular entrances from the lane and in addition another four including 'Windward' set back from the main road, all of which use this junction with the R106 in addition to the traffic accessing/egressing the lane. If this proposal is permitted (taking into account the 2no. houses permitted and the 2no. houses currently proposed) there will be a total of 12 houses using the junction with the R106.
- 7.2.4. It is noted that two houses have been granted permission (Ref. 06F.245088 – and Reg. Ref. F15A/0151/E1 – time extension until January 2026) on the site. These have as yet not been constructed. This proposal is for an additional two houses on this site and it is intended they be constructed in conjunction with the two houses already permitted. The current proposal is considered along with the extant permission. Therefore, while there would be four new houses accessing this laneway, two of them have been permitted. So, this proposal considers the impact of 2no. additional houses over that already granted. The issue is whether the changes made are considered to address the Board's previous reasons for refusal.

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

- 7.3.1. The proposed development is for the construction of 2no. two-storey contemporary style detached dwellings with associated car parking, bin storage, improvement works to existing private road, drainage and landscaping. A Planning Report has been submitted with the application which provides details of the proposed development. Drawings submitted include a contiguous elevation that illustrates the proposed building height as c.6.5m as mainly consistent with other properties in the

area. The proposed dwellings are shown set back from the northern and eastern site boundaries and have been designed to avoid overlooking of adjacent properties to the east and Robswall Park to the north.

- 7.3.2. Floor plans and Sections have been submitted. I note the houses are referred to on the drawings as 'Type C' – House 1 (to include 5no. bedrooms and a garage) and 'Type D'- House 2 (to include 4no. bedrooms). The applicant has not provided the stated floor area per the dwellings, however having regard to the scaled floor plans 'House C' appears to be c. 310sq.m and 'House D' appears to be c.248sqm. It is considered that the houses would contribute to a high-quality residential amenity and exceed minimum standards for accommodation. Two on-site parking spaces are to be provided within the curtilage of each house which is in accordance with standards. Private open space is provided above minimum standards. If the Board decides to permit it is recommended that a condition regarding the provision of quality external finishes be included.
- 7.3.3. The adjacent previously approved scheme comprised 2no. 5 bedroom detached dwellings with associated facilities and access road. The proposed development includes minor amendments to the development as previously granted under FQ5A/0151, to remove the mini roundabout from the access road, realign the proposed access to the two units permitted and realign the boundary treatment to both units. This will give a revised site area of 2,210sq.m for Plot 1 (previously 1,442sqm) and 2,557sq.m for Plot 2 (previously 2,650sq.m). It is provided that the size and layout of the two permitted dwellings is not altered in any way as part of the application and amendments are limited to boundaries, access and road layout.
- 7.3.4. I would consider that visually having regard to the prevailing low density, and the boundary screening provided, the design and layout of the proposed contemporary development would integrate appropriately within the surrounding context without undue impact on the established character of the area.

#### **7.4. Landscaping and Visual**

- 7.4.1. It is noted that the area to the north and west of the site is zoned High Amenity and is known as Robswall Park Hillside Hike. This provides a large area of public open space with numerous walking trails within the local area. It is important that views



from this area be screened from the proposal by landscaping and not cause adverse impacts on the character and amenities of the area. In this respect I would consider that in view of the set-back location, design and layout, that the proposal will not impact adversely on views from Robswall Park. They will not be visible from the Coast Road (R106). Also, that the proposed design and layout of the 2no. additional dwellings proposed will visually not impact adversely on adjoining properties. However, it is important to retain and augment landscaping/hedgerows particular along the northern and eastern site boundaries.

- 7.4.2. An Arboricultural Report which includes an Arboricultural Impact Assessment and an Arboricultural Method Statement and a Tree Survey (Appendix B) has been submitted with the application. This provides a description of trees and hedgerows on the site and along the access lane and includes photographs of such. It notes that the proposed development will require the loss of three C Category trees (T21, T26 & T29). It is noted that hedgerow (G25) adjacent to the private road will be pruned back to the site boundary line. A proposed timber fence is to be installed along the boundary line adjacent to G25. Details are given of Tree Works and Tree Protection Measures during construction to comply with current standards. It is provided that the existing site access will be used to facilitate construction and will not have an impact on neighbouring trees and hedgerows.
- 7.4.3. Regard is had to Objective DMS57B of the Fingal CDP 2017-2023 which requires that a minimum 10% of a proposed development site area be designated for use as public open space. It provides that the Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5. In this case there is no designated area of public open space within the scheme. I note the comments of the Council's Parks and Green Infrastructure Division. They note there is a shortfall of 175sq.m public open space and recommend a financial contribution in lieu towards the continued upgrade of local class 1 open space facilities in the Portmarnock area namely Baldoyle Racecourse Park. Condition nos. 14 and 18 of the Council's permission refer. They also recommend the provision of a tree bond of €5,000 – Condition no. 14(c) refers. It is noted that these conditions have not been subject to appeal and were not included in the previous permission PL06F.228945, which was granted prior to the current

Fingal CDP. If the Board decides to permit, I would recommend that such conditions be included.

- 7.4.4. The existing boundary treatments around the site perimeter are to be retained as the main boundary treatments. It is noted that a Landscaping Plan, which includes reference to boundary treatment has been submitted. It is considered important that existing boundary planting be retained and augmented, particularly in view of the proximity to Robswall 'HA' public open space. If the Board decides to permit, I would recommend that a condition regarding landscaping and boundary treatment be included.

## **7.5. Access and Traffic issues**

- 7.5.1. The Third Party and Observers are concerned that the previous reasons for refusal by the Board, relative to the inadequacy of the access arrangements this site have not been overcome in the current proposal. While the number of dwellings has been reduced from 7no. they consider that the imposition of another four houses on the laneway would create a serious traffic hazard at the entrance to the enclave by doubling the number of residences served by the lane, and significantly increasing the number of cars using the junction with the Coast Road. They also consider that the mountable footpath is too dangerous for pedestrians and vulnerable road users.
- 7.5.2. It is noted that the Third Party refers to the proposal as being contrary to Objective DMS126. This seeks to restrict unnecessary new accesses directly off Regional Road. I would not consider this Objective to be relevant to the current application, in that the proposed development would be using the entrance from the existing access lane, and not creating new entrances to the Regional Road. Therefore, the issue of the implications of the intensification of use of the narrow entrance is of more relevance. It is noted that there is concern about the issue of queuing when accessing the laneway from the junction with Coast Road and of traffic safety particularly with larger vehicles protruding while waiting onto the R106.
- 7.5.3. A Transport Statement prepared by ARUP has been submitted with the application. This notes that as part of the development that connectivity to the Coast Road has been included to provide a footpath, along the southern side of the access road. The Report notes that the site is accessible in that it is located within walking and cycling

distances of the amenities in Portmarnock and Malahide. Also, that there are bus stops and public transport is available in the vicinity.

#### The Junction

- 7.5.4. Regard is had to the junction layout relative to the access lane and the R106. The First Party provide that the proposed layout has been subject to an Auto Track analysis to ensure all the necessary vehicular movements are adequately accommodated. That the current proposal does not consider the pedestrian island included in the previous proposal, which addresses issues raised in the Board's previous refusal. That this proposal facilitates access and egress from the development site as well as from the adjacent 'Windward' property. The new junction scheme does not make any notable modifications in the existing junction arrangement in relation to the separation of the junction into two access and egress points. In this case, the stated lack of compliance with Objective DMS126 does not apply.
- 7.5.5. It is noted that the site is within the 60km/hr speed limit. Having regard to the signage, I note that at the junction, this is 60km/hr in the direction of Malahide, going southwards the sign reads 50km/hr in the direction of Portmarnock. However, it remains that this is a fast busy regional road. The applicants provide that their proposed improvements to the junction will allow for a significant improvement of the visibility splays to the north and south, while maintaining the width of Coast Road at 7m. Appendix A of the Transport Statement demonstrates the visibility splays of 69m to the north (measured at centre line) and 49m to the south (measured to the near kerb) are achieved. The ARUP Report provides that this is consistent with design guidance and the existing speed limits along Coast Road (50km/h to the south and 60km/h to the north). They provide details of forward visibility and of sightlines including at the junction.
- 7.5.6. An Operational Traffic Impact Assessment has been carried out. They submit that this analysis revealed that the number of peak hour traffic generated by the proposed development was considered to insignificant in the context of the existing junction volumes. They consider that they have addressed the previous reason for refusal (Section 6 of the ARUP Report refers). It is provided that the assessment demonstrates, the volumes of traffic associated with the development (of an

additional 2no. houses) are considered to be negligible and do not result on any notable impact on junction capacity or queuing. They provide that the present proposal aims to improve the safety of the existing junction through the inclusion of vertical signage and road markings that will facilitate the access and egress of vehicles within the access road and the existing junction.

#### Width of the Access

- 7.5.7. The issue of the width of the existing laneway is one that has been raised in the current and previous applications. The Third Party/Observers refer to 3.8m being the maximum available width. It is noted that works have been done to the entrance of the laneway since the previous applications. The hedgerows at entrance have been removed and the narrowest point of the laneway has a wooden fence on either side, which provides the boundary to adjoining properties. While on site I measured the narrowest point at ground level and found the maximum width at this narrowest section towards the entrance to the lane to be c.4m.
- 7.5.8. It is noted that the First Party response provides that their surveys show that the width at the pinch point is 4.1m considering clearing of hedges and straightening of the fences. They also note that the road at the top of the lane has recently been tarmacked to illustrate that a width of 4.07m is available. Section 5.3.1 of the ARUP Report provides that this includes 2.4m for vehicular circulation, 1.5m for the footway and 100mm buffer on the north side (4m in total) at the narrowest point of the laneway. It is proposed to have a chamfered kerb with a height of 75mm. This is to allow the footpath to be mountable if necessary. Further down the access road will widen to 4.8m which is in line with DMURS guidance for a quiet two-way street. They provide details of road markings.
- 7.5.9. Regard is also had to the Hemenstall Land Truth Survey which includes measurements showing the width of the laneway both at road level (shown 4.07m) and at the top of the timber posts at fence level (3.89m). This notes that the width of the lane is clearly of major significance in the context of the traffic management at the Coast Road. However, either figure i.e 3.8m (as referenced by the Third Parties) or 4.07/4.1m (as referenced by the applicant) denotes the narrowness of the pinch point of the lane, and ideally it would be beneficial if the lane could be widened. The latter is a private ownership matter and is not within the remit of this application.

### Transportation Section

- 7.5.10. The Council's Transportation Planning Section notes that the proposed development includes amendments to a permitted development, for two residential units as well as the provision of two additional residential units. They consider that the access lane has been improved from the permitted layout in the current proposal. That this is a shared access lane serving five existing units. Including the permitted development as well as the two additional units proposed, the lane will serve a total of 9 residential units. In relation to this, it must be noted that I found 4no. existing houses had vehicular access to the lane, so the extant and proposed development would lead to 8no. entrances to the lane. 'Windward' has its own separate access to the north of the access to the lane.
- 7.5.11. They note that the access road is a cul-de-sac and complies with the Design Manual for Urban Roads and Streets in terms of use as a shared surface. The proposed development has provided a pedestrian route with a footpath and crossing point. They consider that this is an improvement in terms of pedestrian facilities and safety. They note that there is a short shuttle system at the entrance not exceeding 20m in length with adequate inter-visibility of approaching vehicles at either end. They provide that there is sufficient for at least two cars to queue at the entrance without causing obstruction or disruption to the public road. They are satisfied with the improvements to the access lane and entrance layout. They recommend conditions.

### Concluding Remarks

- 7.5.12. Having regard to all the issues raised and the documentation submitted, I would consider that it has been established that the current proposal is an improvement on those previously refused by the Board. It allows for a reduction in units, only 2no. additional units are now proposed. This along with the existing permitted (not yet constructed units) will allow for 4no. additional units using the lane. The proposal allows for improvements to the accommodation laneway, particularly for pedestrians, and at the junction. It is noted that the junction is within the urban speed limits. The comments of the Council's Transportation Planning Section are noted. They recommend conditions and if the Board decides to permit it is recommended that such conditions be included.

## 7.6. Encroachment issues

- 7.6.1. There is Third Party/Observer concern that the proposed access arrangements cannot be achieved within the existing property boundaries. They provide that no agreements have been made with either of the landowners on either side to encroach onto their lands, relative to the narrowest part of the lane and as such the drawings submitted to the Planning Authority in support of the application are incorrect and therefore invalid. They consider that the applicants should be required to provide a revised proposal that addresses this point. It must be noted that the issue of validity of the application as submitted is within the remit of the Council rather than Board. However, it is of note that this application is being considered *de novo* by the Board.
- 7.6.2. The First Party response provides that the issue regarding encroachment is not substantiated. The access road is in the ownership of the applicants and is to be refinished and altered as part of the new development. They provide that the design was carried out on the basis of a survey by a qualified specialist and is fully reliant on lands owned by the Applicant.
- 7.6.3. It has been mentioned that a small piece of land at the mouth of the junction is within Fingal County Council ownership and a letter of consent and associated map in this regard is attached to this application.
- 7.6.4. It is of note that the issue of ownership/encroachment is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*"

## 7.7. Water Supply and Drainage

- 7.7.1. A Civil Engineering Infrastructure Report for Planning by Barrett Mahony Consulting Engineers has been submitted with the application. This notes that the site is

greenfield with no existing SuDs measures in place. It provides that in the case of the subject site interception and attenuation storage can be achieved by providing permeable paving and rainwater harvesting in combination with soakaways and infiltration trenches. It is also proposed to lay a new 225mm foul sewer along the private road to the south of the site, which will connect to the existing sewer on the Coast Road. It is noted that issues regarding the laneway and land ownership have been referred to above.

7.7.2. It is proposed to connect to existing services. Drawings include the proposed watermain drainage layout and the foul and surface water drainage plan. Appendix 1 provides storage calculations and reference is made to the engineering drawings showing connection to services. Details of upgrades to existing services to provide for the proposed development are provided. It is noted that Irish Water and the Council's Water Services Section do not object to the proposed development, subject to conditions. It is recommended that appropriate drainage conditions be included if the Board decides to grant permission.

7.7.3. A Site Flood Risk Assessment has also been carried out. This has regard to current guidelines including 'The Planning System and Flood Risk Guidelines for Planning Authorities' 2009. They note that the proposal for residential is categorised as a highly vulnerable development but that the subject site is located in Flood Zone C where residential is deemed appropriate. They provide details of the proposed development and note that given the comprehensive and detailed nature of the existing information available regarding flooding, it is not considered necessary to carry out any further analysis of the tidal pluvial or fluvial flooding of the site.

## **7.8. Screening for Appropriate Assessment**

7.8.1. Section 8.0 of the Planning Report submitted includes a Screening for AA. There are no Natura 2000 sites within the boundary or immediately contiguous to the site boundary. The nearest Natura 2000 sites are the Malahide Estuary SAC and Malahide Estuary SPA located c. 0.1km and c.0.2km respectively to the east of the site. Figure 4 provides a Map indicating protected site proximate to the subject site in red. A Table has been included detailing the qualifying interests of these.

- 7.8.2. Their Assessment of the potential impact of the proposed development provides that it has been designed in a manner that includes best construction methods, will connect to existing services and that it will not adversely impact on the Natura 2000 site. The conclusion of the AA Screening Report is that there will be no significant direct or indirect impacts to the conservation objectives of the habitats or species within the Natura sites within a 15km radius of the site. That having regard to the scale, location and nature of the works associated with this proposed development that there will be no potential or likely adverse impact on any Natura 2000 site identified and no deterioration will occur to the integrity of the proposed sites.
- 7.8.3. The Inspector's Report relevant to the previous application on this site Ref. ABP-304934-19 concluded that a Stage 2 Assessment and the submission of an NIS was not required for this site. I note that the Board did not comment on this issue.
- 7.8.4. Based on the above and subject to condition that satisfactory arrangements being put in place regarding the management of surface water, I concur with the Planning Authority that, it is reasonable to conclude that on the basis of the information on the file, which I consider to be adequate in its nature and scope to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on downstream European sites, in view of the site's Conservation Objectives. As such I consider that a Stage 2 Appropriate Assessment and the submission of a NIS is not therefore required.

## **8.0 Recommendation**

I recommend that permission be granted subject to the conditions below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Fingal County Development Plan 2017 -2023 and to the nature and scale of the proposed development on residentially zoned land, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and



convenience. 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 as amended by the further plans and particulars received by An Bord Pleanála on the 14<sup>th</sup> day of April, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. This permission authorises two residential dwellings and the amendments proposed in the current application only. The design and layout of the other two dwellings is as permitted in Register Reference F15A/0151/E1.

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

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

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

- 4(a) The roads and traffic arrangements serving the site (including road signage and markings relative to the access lane and to the junction with the R106 Regional Road), shall be in accordance with the detailed requirements of the planning authority for such works, and shall be carried out at the developer's expense.
- (b) The internal road network serving the proposed development including access, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.

(c) Proposed pedestrian access shall comply with the detailed standards of the planning authority for such works.

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

5. The development shall incorporate noise mitigation measures to ensure that appropriate noise levels for habitable rooms are achieved and maintained, having regard to the location of the site within the Outer Airport Noise Zone. The required measures shall be determined by a quantified noise assessment of the site which shall be carried out by an appropriately qualified and experienced professional at the expense of the developer. Full details of the assessment and the proposed noise mitigation measures/construction materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

6. The trees along the site boundaries shall be retained and prior to the commencement of development, a comprehensive boundary treatment and landscaping scheme for the site, to include a plan for the protection of existing trees to be retained during construction, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

7. A tree bond of €5,000 shall be lodged with the Council prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. The tree bond shall be held by the Council for a period of 2 years post construction and shall not be released until an arboricultural assessment report and certificate signed by a qualified arborist has been submitted and any remedial works have been fully undertaken to the satisfaction of the planning authority.

**Reason:** To ensure the protection and long-term viability of trees to be retained on site.

8. Details of proposed boundary treatments at the perimeter of the sites, including heights, materials and finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
**Reason:** In the interest of visual amenity.
9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.  
**Reason:** In the interest of public health.
10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.  
**Reason:** In the interest of public health
11. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.  
**Reason:** In the interest of visual amenity.
12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management, noise management measures and off-site disposal of construction/demolition waste.  
**Reason:** In the interests of public safety and residential amenity
13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.  
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

14. 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 of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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

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

16. The developer shall pay to the planning authority a financial contribution in lieu of the shortfall of 175 square metres of public open space that arises based on the provisions of Objectives DMS57 and Objective DMS57B of the current Development Plan for the area 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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Angela Brereton  
Planning Inspector

7<sup>th</sup> of July 2021