



An
Bord
Pleanála

Inspector's Report ABP 309928-21

Development	Demolition of bungalow and associated out buildings and construction of 2 no. two storey terraces comprising 22 residential units.
Location	Hampton Gardens Drive, Hampton Gardens, Clonard Road, Balbriggan, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0305
Applicant(s)	Orchid Homes Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellant(s)	Gordan Finn and Helen Ní Riain
Observer(s)	None
Date of Site Inspection	26 th August 2021
Inspector	Brendan Coyne

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
4.0 Planning History.....	22
5.0 Policy and Context.....	26
5.1. Development Plan.....	26
5.2. Natural Heritage Designations	29
5.3. EIA Screening	29
6.0 The Appeal	30
6.1. Grounds of Appeal	30
6.2. Applicant Response	39
6.3. Planning Authority Response	46
6.4. Observations	47
7.0 Assessment	47
8.0 Recommendation.....	62
9.0 Reasons and Considerations.....	62
10.0 Conditions	63

1.0 Site Location and Description

1.1. The site (c. 0.2 Ha) is located on the eastern side of Hampton Gardens Drive and the northern side the Clonard/Naul Road (R122), c. 1.5km west of Balbriggan town centre in Co. Dublin. The site contains a detached derelict single storey dwelling, which fronts onto the Clonard Road, with a shed and garden to its rear. The garden is largely overgrown with dense vegetation. The site is relatively flat and bound by palisade fencing along the Clonard Road, a mesh wire and post fence along the western boundary and a concrete wall along its eastern side boundary. The site is rectangular in shape with a total width of c. 35m and length of c.79m. The applicant's landholding, as outlined in blue, contains the Hampton Gardens residential estate, which is accessed via the Castlemill Link Road, located further to the west. Lands adjoining the site to the east contain a detached single storey dwelling which fronts onto the Clonard Road and two storey semi-detached dwellings which front onto Westbrook Heights. A public footpath and cycle lane runs along the roadside boundary of the site along the Clonard Road and a footpath runs along the western boundary of the site along Hampton Gardens Drive. This footpath connects with a pedestrian gate (currently block with a wire fence) at the end Hampton Gardens Drive, providing a link to the Clonard Road. St. George's National School is located c. 150 to the west of the site and the Millfield Shopping Centre is located c. 200m to the south-east.

2.0 Proposed Development

2.1.1. Application as lodged on the 29/06/2020

- Demolition of the existing derelict bungalow and associated outbuildings.
- Construction of 22 no. residential units comprising 11 no. 2 bedroom duplex units over 11 no. 1 bedroom ground floor apartments, all contained within 2 no. terraced blocks.
- Private amenity space is proposed to rear (east) of the units at ground floor level and projecting balconies at first floor level.
- Communal amenity space is also provided to the rear (east) at ground floor level.

- Provision of 1 no. car parking space per unit, located to the front (west) of the proposed 2 no. blocks of units.
- Provision of 3 no. bin storage areas, hard and soft landscaping, cycle parking and boundary treatments.
- All associated site development and infrastructure works forming the completion of the Hampton Gardens development.

2.1.2. Documentation submitted includes;

- Planning application report, prepared by BMA Planning and development Consultants.

2.1.3. **Revised Proposal as submitted by way of Significant Further Information on the 01/02/2021 and the 19/02/2021 – Revisions include;**

- Amendment to the red outline of the site to include works to the previously approved footpath on Hampton Gardens Drive, which the applicant proposes to redirect to the front of the parking spaces.
- Reduction in the no. of proposed units from 22 to 20 no. units comprising 10 no. one bed ground floor apartments with 10 no. 2 bed duplex units over in two terraces.
- Increase in the setback of the northernmost unit from the adjoining property to the north by 2.3m
- The relocation of the terraced blocks c. 2.2m to the west.
- Reconfiguration of the private amenity space of the ground floor apartments and the repositioning of the first floor balconies of the duplex units.
- Revisions to the design of the proposed bin stores and the relocation of the bin store from the northern boundary to the southern boundary of the site.
- Revisions to the type and location of the proposed bicycle storage facilities, with the provision of 45 no. bicycle spaces and the omission of the bicycle parking adjacent the southernmost unit.
- Revisions to the elevation treatment of the gable / southern elevation facing the Clonard Road.

- Revisions to the proposed car parking layout from in-curtilage parking to on-street parking.
- Revised landscaping proposals

2.1.4. Documentation submitted includes;

- Preliminary Construction and Waste Management Plan.
- A landscape plan and planting plan
- Boundary treatment plan.
- Foul and surface water drainage plans.
- Letter of consent from Wynn Clons Development Ltd.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council GRANTED permission for the proposed development subject to 22 no. Conditions. Noted Conditions include:

- C.2 This grant of permission relates to 2 no. terrace blocks to accommodate a total of 10 no. 1 bedroom apartments and 10 no. 2 bedroom duplex units.
- C. 3 The layout of the permitted development shall be as indicated on Drawing No. PA-102-Rev A received by the Planning Authority as additional information on the 1st February 2021.

For clarity, all pedestrian access points from the Naul Road to Hampton Gardens, Grove, Avenue and Drive shall be completed and open to public use prior to the commencement of development.

- C. 4 The elevations and floor plans of Units 19 and 20 shall accord with the revised plans and elevations indicated on Drawing No. PA-201A received by the Planning Authority as additional information on the 1st February 2021.
- C.7 (i) The landscaping scheme for the development hereby permitted shall generally be in accordance with the submitted Landscape Plan and boundary

details drawing (Dwg. No. 103) received by the Planning Authority as additional information on the 1st February 2021, with the following amendments;

(a) The proposed timber panel fencing along the eastern site boundary shall be replaced with weld mesh fencing (black in colour).

(b) The bin and bicycle stores shall be bound to the south by a 1.8m high stone wall as indicated on the submitted contiguous drawing received as additional information on 1st February 2021, and as such shall not be visible from the public road.

(ii) All landscaping shall be finished on completion of the construction works and any failures shall be replaced by the developer until such time that the planting is established.

C.8 (i) Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority a revised car parking layout drawing which demonstrates the following:

(a) The continuation of the verge/footpath as originally proposed i.e. the footpath to be located along the western boundary of the car parking layout, and

(b) Provision of in-curtilage parking comprising of 20 no. parking spaces, comprising banks of 3-4 spaces, with across points between each bank to the public footpath which shall be located to the west of the car parking.

(ii) 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.

C.9 (i) The external finishes of the development shall comprise/be a combination of neutral coloured render / natural brick for the external walls, slate roofs and zinc cladding for the dormers unless otherwise agreed in writing with the Planning Authority prior to commencement of development.

(ii) Prior to commencement of development the applicant shall submit for the written agreement of the Planning Authority details of the proposed natural brick for the external walls in the form of photographs and trade brochures.

C. 10 Prior to commencement of the development, a construction and demolition waste management plan shall be submitted to and agreed in writing with the Planning Authority.

C. 12 The Developer shall pay €44,020 in lieu of 0.075 ha of public open space.

C. 13 During the construction phase of the permitted development the applicant/developer shall provide adequate off carriageway parking facilities for all traffic associated with the permitted development, including delivery and service vehicles/trucks.

C. 21 Bond Requirements

C. 22 Development Contributions requirement of €149, 574 as a contribution towards expenditure that was and / or that is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the area.

3.2. Planning Authority Reports

3.2.1. First Report (Decision Date 20/08/2020)

- The use class 'Residential' is 'permitted in principle' in accordance with the 'RA' zoning objective of the site.
- The proposed apartments accord with Objective DMS24 of the Development Plan with regards internal room size requirements and with Objective DMS22 in terms of minimum floor to ceiling heights.
- The proposal complies with Objective DMS28 which requires that a minimum separation distance of 22m is provided between rear opposing first floor windows.
- The closest dwellings within Westbrook Heights are orientated obliquely relative to the proposed apartments and are not directly opposing/back-to-back.
- The proposal complies with Objective DMS29 which requires a minimum separation distance of 2.3 metres between houses.
- In accordance with Objective DMS57, the proposed development would have an overall calculated occupancy of 33 no. bed spaces (i.e. 22 x 1.5) and a total public

open space requirement of 825 sq.m./0.0825 ha (i.e. 33 no. bedspaces x 25 sq.m.), which would be divided on a Class 1: 75% (618.75 sqm) / Class 2: 25% (206.25 sqm) basis.

- The proposal comprises the infilling of a site which previously formed part of Hampton Gardens.
- The applicant indicates that the existing pocket park to north serving Hampton Gardens (i.e. 0.345 ha) would serve the proposed development.
- As the subject site entails the infilling of an area of undeveloped lands within Hampton Gardens, this approach is considered acceptable and allows for the sustainable development of a finite resource, i.e. that being zoned serviced land in an urban location.
- Under P.A. Ref. F09A/0368 a similar approach was considered acceptable, i.e. a condition requiring a financial contribution in lieu of the public open space required. The Parks and Green Infrastructure Division report concurs with this approach.
- The overall proposal will entail 22 no. units on a site of 0.2 ha. equating to a density of c. 110 dwelling per ha. When considered as part of the wider Hampton Gardens development the density of the proposed development is c. 44 dpha.
- Having regard to Section 5.6 of *the Sustainable Residential Development in Urban Areas*, the density proposed is considered appropriate.
- The proposed apartments accord with the relevant provisions of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, save for issues relating to bin and cycle storage.
- In terms of mix of house types, the proposal comprises 1-bedroom and 2-bedroom units which is acceptable in the context of the unit typology in the adjoining area.
- The Planning Authority has concerns in relation to the potential impact of the proposal on the amenity of the property abutting the northern boundary of the site.
- The northernmost duplex units have first floor balconies, projecting beyond the rear line of the adjoining property, which would give rise to overlooking of the private amenity space (garden) serving the existing adjoining property.

- Concerns expressed in relation to the impact of the proposal on the property to the south-east (i.e. the dwelling fronting onto Clonard Road). At this location the first-floor balconies of a number of duplex units are located c. 8 metres from the adjacent site boundary, beyond which is the curtilage/rear garden of the dwelling. The balconies would directly overlook this property.
- The provision of first floor balconies c. 8m from the common boundary with the neighbouring dwelling would limit the future development potential of this site. As such the current proposal, which may impact the future development potential of the adjoining site, could be considered piecemeal as it would not allow for the comprehensive development of the wider area.
- The proposal would not impact the residential amenity of the adjacent dwellings along Hampton Gardens.
- The closest dwellings within Westbrook Heights (to the north-east) are orientated obliquely relative to the proposed apartments and as such no undue overlooking would occur.
- In terms of the residential amenity within the scheme, the first-floor balconies directly overlook the ground floor patios.
- The applicant should be requested to make provision for the privacy of the ground floor patio areas. The provision of eye height opaque glass screening or a similar arrangement could be considered.
- The proposal to locate a bin storage area along the northern boundary and south-eastern corner of the site in close proximity to the neighbouring property is inappropriate, would be contrary to Objective DMS36 and would be detrimental to the amenities of adjoining property.
- Provision is made for 22 no. bins at 3 no. locations to the rear/east of the apartments within the communal amenity area.
- The bins provided for appear to be standard 240L bins.
- The Apartment guidelines (para 4.9) states that provision should be made for a 3-bin system. Based on the proposal, this would equate to 66 no. bins.

- The design of the bin storage structures is considered inappropriate, being only partially enclosed by 3 walls, having no roof and being unlit.
- Based on the plans submitted, a resident would need to move other residents' bins to gain access to their own bin.
- It is unclear where bins are to be set out for collection and how this is to be undertaken without impeding access to the apartments (i.e. at the front/west of the apartments where cars are parked).
- Cycle parking is indicated at 5 no. locations, comprises Sheffield bike stands and 30 no. spaces are provided for within the scheme.
- In accordance with the Apartment Guidelines (para 4.17), 44 no. spaces are required, on the basis of 1 no. space per bedroom plus 1 space per 2 no. units.
- The Apartment Guidelines (para 4.17) sets out requirements in relation to the location and design of cycle storage facilities, specifically that they should be of permanent construction, preferably within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction.
- Effective security for cycle storage should be maximised by the provision of individual cycle lockers.
- The proposed cycle parking to the south of the site adjacent to the southernmost unit would represent a disamenity to the occupants of this unit and should be omitted.
- The Planning Authority has serious concerns in relation to the proposal to locate an area of communal amenity space abutting the rear of the adjacent dwellings (i.e. affecting the existing properties to the north and south-east) and the consequent impact on their residential amenity arising from the use of same.
- Objective DMS66 of the Development Plan provides that open spaces are not located to the side or rear of housing units and in this regard the proposed development would contravene this requirement.
- The relationship between the ground floor apartments and the communal amenity space is unclear, giving rise to concerns in relation to privacy and security.

Reference made to the recommendations of the Apartment Guidelines with this regard.

- The scale and design of the proposed apartments is considered acceptable.
- The proposed apartment blocks are contemporary in design, add a degree of visual interest to the area and integrate with the character of the adjoining area.
- The Planning Authority consider the gable/southern elevation of the block facing the Clonard Road should be redesigned so as to improve the appearance of the block when viewed from the south at this important public interface which is a key route into Balbriggan.
- The applicant should consider the design of the balcony serving the southernmost apartment unit at this location noting its relationship with Clonard Road.
- In terms of boundary treatments, with the exception of the rear/eastern site boundary, the remaining boundaries within the proposal are ambiguous and should be clarified.
- Particular attention should be given to the southern boundary with Clonard Road. A nature stone wall with railings atop would be considered appropriate.
- Further Information is required with regards access & car parking, further to the report received from the Transportation Planning Section.
- The development description contained in the public notices refers to ' associated site development and infrastructure works forming the completion of the Hampton Gardens development'. The applicant should be requested to confirm the nature and extent of the proposed development, specifically to confirm what the aforementioned reference entails.
- Further to screening of the proposal, an Environmental Impact Assessment (EIA) is not required.
- Given the nature of the proposed development, the distance to the closest Natura 2000 site and the absence of a receptor pathway, the project is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects.

3.2.2. Further information was requested requiring the following:

1. There are a number of concerns in relation to the design and layout of the proposed development. The applicant is requested to address the following;
 - (i) The northernmost duplex unit(s) have first floor balconies (projecting beyond the rear line of the adjoining property) which would give rise to lateral overlooking of the private amenity space (garden) serving the existing adjoining property. Additionally, the use of balconies in proximity to this property would negatively impact on the level of amenity which is currently afforded to this property. The applicant is requested to provide a sufficient set-back between the northernmost proposed block and this adjoining property. Additional measures to address overlooking from balconies at this location should also be submitted.
 - (ii) ii. First-floor balconies serving a number of duplex units are located c. 8 metres from the adjacent site boundary to the south-east of the site (beyond which is the curtilage/rear garden of a property which fronts onto Clonard Road). These balconies would directly overlook this property. The applicant is requested to address potential overlooking at this location.
 - (iii) iii. Within the scheme itself, the first-floor balconies serving the duplex units directly overlook the ground floor patios serving the apartments. The applicant is requested to make appropriate provision for the privacy of the ground floor patio areas in the context of overlooking from the units above. The provision of eye height opaque glass screening, deflected screening (or a similar arrangement) should be considered in this regard. The applicant is requested to submit appropriate design measures to address same.
 - (iv) iv. Bin storage located along the northern and south-eastern boundary of the site immediately adjoins residential property and would be detrimental to amenities of adjoining property and contrary to Objective DMS36 of the Fingal Development Plan 2017 – 2023. The applicant is requested to relocate the bin stores in a manner compliant with Objective DMS36 and which protects the residential amenity of adjacent property.
 - (v) Based on the particulars submitted provision is made for 22 no. bins at 3 no. locations to the rear/east of the apartments within the communal amenity

area. The bins provided for appear to be standard 240L bins. The Apartment guidelines (para 4.9) states that provision should be made for a 3-bin system. Additionally, the design of the bin storage structures is not considered appropriate, being only partially enclosed by 3 walls, having no roof and being unlit. Based on the plans submitted, a resident would need to move other resident's bins in order to gain access to their own bin. It is also unclear where bins are to be set out for collection and how this is to be undertaken without impeding access to the apartments (i.e. at the front/west of the apartments where cars are parked). The applicant is requested to address the forgoing, specifically to provide for appropriately designed and located bin stores throughout the development (having regard to the requirements of the Apartment Guidelines set out in para 4.9) and to clarify how bin collection is to be managed without impeding access to the units within the scheme.

- (vi) vi. Cycle parking comprises Sheffield bike stands (for 30 no. spaces). In accordance with the Apartment Guidelines (para 4.17) 44 no. spaces are required. The Apartment Guidelines (para 4.17) also sets out requirements in relation to the location and design of cycle storage facilities, specifically that they should be of permanent construction, preferably within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Effective security for cycle storage should be maximised by the provision of individual cycle lockers. The applicant is requested to address the forgoing, specifically to provide for appropriately designed and located cycle stores throughout the development (having regard to the requirements of the Apartment Guidelines set out in para 4.17).
- (vii) The proposed cycle parking stand to the south of the site adjacent to the southernmost unit would represent a disamenity to the occupants of this unit. The applicant is requested to omit this cycle parking area from any revised scheme.
- (viii) The proposal to locate an area of communal amenity space abutting the rear of the adjacent dwellings (i.e. to the north and south-east) would have negative impacts on the residential amenity of these properties arising from

the use of same. Objective DMS66 of the Fingal Development Plan 2017-2023 provides that open spaces are not located to the side or the rear of housing units and in this regard the proposed development would contravene this requirement. The applicant is requested to address the forgoing.

- (ix) The relationship between the ground floor apartments and the communal amenity space is unclear giving rise to concerns in relation to privacy and security. The Apartment Guidelines (para 4.10) states that while private and communal amenity space may adjoin each other, there should generally be a clear distinction with an appropriate boundary treatment and/or a 'privacy strip' between the two. Elsewhere the Apartment Guidelines state that particular attention should be given to the security of ground floor apartments and access to internal and external communal areas. Where ground floor apartments are to be located adjoining the back of a public footpath or some other public area, consideration should be given to the provision of a 'privacy strip' of approximately 1.5m in depth. The applicant is requested to confirm the interface between the ground floor apartments (i.e. the patio areas) and the area of communal open space, specifically how the design of the communal open space will operate/be used without detriment to the amenities of the ground floor apartments within the scheme.
 - (x) The applicant is requested to confirm all existing/proposed boundary treatments within the scheme. The applicant is advised that particular attention should be given to the design of the southern boundary with Clonard Road. A nature stone wall with railings atop would be considered appropriate in this regard. All blockwork walls proposed should be finished with brick/stone or render. xi. The applicant is requested to redesign the gable/southern elevation of the block (i.e. facing Clonard Road) so as to improve the appearance of the block when viewed from the south at this important interface with a public area. The applicant is also requested to consider the design of the balcony serving the southernmost apartment unit at this location noting its relationship with Clonard Road.
2. The proposed development has a car parking requirement of 32 no. spaces (i.e. on the basis of 1 no. space for 1 bed apartments and 1.5 no. spaces for 2-bed

duplex/apartment units, plus 1 no. visitor parking space per 5 no. apartments) whereas 22 no. spaces are proposed. The applicant is requested to provide car parking provision for the proposal in accordance with Table 12.8 of the Fingal Development Plan 2017-2023.

3. Having regard to the issues contained in Item 1 (above) and the significant shortfall in car parking provision (see Item 2 above), the applicant is requested to consider either amending the scheme such that the northernmost block comprises a terrace of houses and/or amending the proposal to comprise a unit typology comprising entirely of houses.
4. The applicant is requested to submit a Construction and Demolition Waste Management Plan. This plan should include details of the proposed construction methodology, measures for addressing waste arising from the construction/demolition phase of the proposed development and details of measures to address construction related impacts i.e. dust, construction traffic, noise etc. during the construction/demolition phase of the development.
5. The applicant is requested to submit a comprehensive landscape plan for the proposal, including plant quantities, sizes and species and details of constructed tree pits.
6. The development description contained in the public notices refers to 'associated site development and infrastructure works forming the completion of the Hampton Gardens development'. The applicant is requested to confirm the nature and extent of the proposed development in this regard. The applicant is advised that any works proposed beyond the current red line boundary will necessitate revisions/extension(s) to the extent of the red line boundary. The applicant is advised to contact the Planning Officer Ian Campbell (ian.campbell@fingal.ie) prior to submitting a response to this request for additional information.

3.2.3. **Second Report** (16/03/2021)

- Significant Further Information submitted.

- The separation distance between the northernmost units and the adjoining property to the north has been increased to 2.3 metres and the proposed terraced block has been moved c 2.2 metres further to the west.
- In order to prevent overlooking of the neighbouring property, the applicant has introduced the provision of a frosted glass privacy screen on top of the wall to a height of 1.8m above balcony level.
- The revisions made to the proposal are acceptable.
- No undue overlooking of the adjoining dwelling to the north from the end of terrace duplex unit is anticipated.
- The separation distances to the rear/eastern site boundary have increased slightly on account of the units being moved to the west.
- The proposed distance from the eastern site boundary to the rear wall of the proposed terraces at first floor level is c 9.4 metres at the northern end and c. 10.4 metres at the southern end.
- In addition to retaining the existing 1.6 metre high eastern boundary wall at the eastern and northern site boundaries a 1.8m to 2.4m high heavy duty timber panel fence is proposed along the full extent of the eastern boundary.
- The applicant proposes the planting of large trees and bamboo along the eastern site boundary, as indicated in the Landscape Plan submitted.
- It is proposed to plant approximately 30 trees of between 2.5m and 3.5 metres in height along the rear/eastern site boundary.
- The Planning Authority is satisfied that the planting of trees as proposed (which include alder and beech trees) along with appropriate boundary treatment and the increased separation distance between the terraced blocks and the eastern site boundary will mitigate overlooking impacts onto the adjoining rear garden to the east of the site.
- The proposed heavy duty timber panel fence along the eastern boundary should be replaced with weld mesh black fencing which will be visually more acceptable at this location and will not block daylight to the adjoining site.

- The proposed ground floor private amenity space (11 sqm) of the 1 bedroom apartments is reconfigured and repositioned below the first floor balconies (12 sqm) of the duplex units above.
- The applicant has relocated the bin store away from boundaries with existing residential properties to the southern site boundary.
- The bin store is located in excess of 4 metres south of the gable wall of unit nos. 19 and 20 and is separated from those units by a footpath and an amenity strip. As such the location of the proposed bin store is acceptable and accords with Objective DMS36 of the Development Plan.
- Bin storage and waste management arrangements have been revised.
- The proposed bin store is an enclosed structure with a roof and access doors accessible to all units, located at the southern site boundary proximate to a footpath.
- The bin store facilitates a 3 bin system.
- The applicant indicates that a waste contractor will be appointed to provide waste collection services to the proposed scheme as an extension to the service currently in operation for the existing apartments within the overall development of Hampton Gardens.
- It is proposed that bins will be moved from the bin store to the collection point immediately to the west by personnel nominated by the management company.
- The applicant has revised the location and type of bicycle storage facilities within the proposed development.
- Drawing Nos. PA-102 and PA-301 illustrate the location and layout of the proposed bicycle storage areas which accommodate a total of 45 no. parking spaces which exceeds the requirements of the Apartment Guidelines.
- Each of the ground floor 1 bedroom units have the benefit of a dedicated bike store adjacent to their private amenity space.
- The proposed bicycle parking stand has been removed as requested.
- The revised locations of cycle parking across the proposed scheme are acceptable.

- The applicant makes the case that the proposed open space (c 660 sqm) to the rear of the scheme is provided as an additional amenity for future residents and exceeds the quantum of communal open space required having regard to the Apartment Guidelines. It is submitted that the communal area is accessible to all units and is very well overlooked by each unit.
- The Planning Authority considers that the proposed communal space to the rear of the units is acceptable in this instance and that it will offer future residents an additional amenity area.
- At ground floor level a railing (1.1m in height) and a hedge will provide a buffer between the proposed patios.
- The private amenity space of the ground floor apartment units is covered and the boundary between these areas and the proposed communal amenity space is delineated by an estate rail (1.1m in height) and formal hedging with a planting strip which provides additional separation distance. There is therefore a clear and distinct boundary between the private amenity and communal spaces and an adequate separation distance between the ground floor units and the path which traverses the rear communal area.
- A 1.8m high low natural stone wall topped with steel railing to match and tie in with the existing boundary treatment to the west is proposed along the Clonard Road.
- Drawing PA-107 demonstrates a revised southern elevation for the end of terrace units adjoining the Clonard Road and includes a large box window which creates interest and is acceptable.
- A privacy screen is proposed to protect the amenity of unit 20 facing Clonard Road.
- 26 no. on street parking spaces serving the scheme are proposed to the front of the units.
- The applicant has changed the proposed parking layout from in-curtilage parking to on-street parking comprising a long unbroken stretch of car parking which is not desirable and which is problematic for taking in charge purposes.
- In terms of the quantum of proposed parking spaces it is acknowledged that in-curtilage parking is unlikely to facilitate as many parking spaces as the proposed

on-street parking arrangement. However the Apartment Guidelines note that a reduced overall parking standard is acceptable in suburban/urban locations served by public transport or close to town centres and as such it is considered that a minimum of 20 no. car parking spaces should be provided, which equates to 1 parking space per unit.

- The Transportation Planning Section recommend that the design of the cycle access area including the location of bollards to provide security and safe access should be agreed prior to construction. This is a new issue and as such it is inappropriate to raise it at this juncture and as such a condition to this effect will not be attached.
- The applicant considers that the proposed scheme will improve the overall mix of units in the area and address a particular demand for one and two bed units in the area. The applicant has submitted a satisfactory justification for their decision to progress with the proposed apartment/duplex development.
- The Preliminary Construction and Waste Management Plan submitted is acceptable.
- The Planning Authority notes that there is a discrepancy in the submitted boundary treatment drawing and the contiguous drawing in that the boundary treatment drawing indicates that a low rise wall with railing on top is proposed adjacent to the proposed bin and bicycle stores. This is not the case as the bin and bicycle stores are bounded to the south by a 1.8 metre high stone wall as indicated on the submitted contiguous drawings. This matter will be conditioned and the applicant will be requested to amend/correct the boundary treatment drawing accordingly.
- The applicant has amended the red line boundary of the site to include works to the previously approved footpath on Hampton Gardens Drive which the applicant proposes to redirect to the front of the parking spaces.
- Connections to the existing foul and surface water drainage network in Hampton Gardens are set out in submitted drawings and are now included within the red line boundary of the site.

- The applicant has clarified that all works are on lands in their ownership and that of their sister company Wynn Clons Development Ltd. and a letter of consent from that company is also submitted.
- Arising from the reduction in the number of units proposed from 22 to 20, the density and public open space requirements associated with the infill scheme have changed, as set out below.
- In relation to public open space, the proposed development comprises 20 no. apartments (i.e. 10 no. 1 bedroom units and 10 no. 2 bedroom units). In accordance with Objective DMS57 the proposed development will have an overall calculated occupancy of 30 no. bed spaces (i.e. 20 x 1.5) and a total public open space requirement of 750 sqm/0.075 ha (i.e. 30 no. bedspaces x 25 sqm) which would be divided on a Class 1:75% (562.5 sqm) / Class 2: 25% (187.5 sqm) basis.
- In relation to density, the overall proposal will entail 20 no. units on a site of 0.2 ha. equating to a density of c. 100 dpha. The density proposed is considered appropriate.

3.3. Other Technical Reports

3.3.1. Transportation Planning Section:

First Report - Further Information and revised site layout plan requested providing the following;

- Details of the pedestrian / cycle access onto the Naul Road to be completed.
- Provide details on 50 covered sheltered cycle parking locations
- Provide details of 4 no. visitor parking car parking spaces.
- Provide more room for a revised turnabout area as the current hammerhead area is used as a car park directly opposite proposed dwelling no.11.
- Provide more width for access to the bin store and Sheffield bike stands in the green area behind proposed dwelling no.11, a 1m path is not considered standard width for access.

- The bin stores shall be accessible to refuse collection vehicles with a max walking distance 25m.
- All car parking spaces provided within the development should be individually marked and assigned to the units

Second Report - No objections subject to the following conditions requiring (inter alia) drawings / details to be submitted for written agreement, prior to commencement of development showing;

- (i) A revised car park layout drawing detailing the continuation of the verge and footpath as was previously submitted with the planning application.
- (ii) A revised layout drawing showing in-curtilage parking and accommodation for some visitor parking.
- (iii) Details of the completion of the pedestrian cycle access onto the Naul / Clonard Road.
- (iv) The design of the cycle access area including the location of bollards to provide security and safe access.

3.3.2. **Environment Section (Waste Enforcement & Regulation)**

No objection subject to Conditions including, inter alia, that a detailed construction and demolition waste management plan be submitted for the written agreement of the Planning Authority, prior to commencement of development.

3.3.3. **Water Services Section:** No objection subject to Conditions.

3.3.4. **Irish Water:** No objection subject to Conditions.

3.3.5. **Parks and Green infrastructure Division**

Second Report - The submitted landscape plan is acceptable subject to the following amendments:

- Substitute the proposed 1.8m wall & railing with a 1.8m stone finish wall in the interest of visual amenity (in order to screen the bin store). A 3m section of railing is permitted adjoining the access point to Clonard Road.

- Replace the proposed 2.4m high timber panel fencing with weld mesh fencing (black in colour).

3.3.6. **Housing and Community Department**

Report notes that the applicant made contact with the Housing Dept. and submitted costing in respect of an agreement to satisfy the applicant's Part V obligation under the Planning and Development Act 2000 (as amended). Costs will be agreed subject to a grant of permission.

4.0 **Planning History**

Site as outlined in Red:

P.A. Ref. F09A/0368 Permission GRANTED in Oct. 2009 to Joseph Daly & Paschal Butler for proposed development consisting of (A) the demolition of an existing single storey bungalow dwelling and outbuilding and construction of 13 no. residential units consisting of 6 no. new A-Type houses (being 2-storey 3-bedroom semi-detached houses) 1 no. new 3-storey and 2-storey duplex block (containing 3 no. 2 storey 2 bed duplex units with private terraces over 3 no. ground floor 2 bed apartments and 1 no. 2 storey 2 bed unit entered at ground floor level with private terraces at first floor level) including landscaping and boundary treatments all as an extension/addition to the approved development currently under construction (Reg. Ref. no. F05A/0323) to the west and north of the site with vehicular and parking access provided through the approved development under construction and (B) modifications to a development currently under construction (Reg. Ref. no. F05A/0323) on a site measuring 2.81 hectare to the west of Westbrook Housing Estate, and adjoining and to the north of Naul Road, which consist of the relocation of Blocks no's 1-5, as previously approved under Reg. Ref. No. F05A/0323, comprising 2 no. A2-Type houses and 8 no. A-Type houses, to the north of their existing approved position on site and construction of 2 no. new A-type houses (being 2 storey 3 bedroom semi-detached houses) and the provision of additional carparking spaces.

Relevant Condition(s):

Condition No. 2 This permission hereby permits 15 no. additional residential units and modifications to previously permitted F05A/0323. The additional units comprise 8 no.

2 storey 3 no. bedroom semi-detached dwellings and 7 no. 2 bedroom apartments and duplexes within 1 no. block

P.A. Ref. F09A/0368/EI Extension of duration of permission GRANTED. This permission was extended to the 5th October 2019.

P.A. Ref. F03A/1595 Permission GRANTED in November 2005 to Aidan & Eileen Lacey for (A) demolition of a single storey 4 bedroom bungalow and garage and 3 no. outbuildings and (B) construction of 8 no. 1 bedroom and 4 no. 2 bedroom apartments (total 12 no. apartments) in 2 no. two storey blocks with surface car parking and associated site works.

Landholding as outlined in Blue (Hampton Gardens Estate):

P.A. Ref. F18A/0543 & ABP Ref. 303234 Permission REFUSED ON APPEAL for the omission of the 3 no. pedestrian/cyclist access points on Clonard Road and the closure of the existing laneway between Hampton Gardens Drive and Hampton Gardens Avenue. The reason for refusal was as follows;

1. The proposed development would prohibit permeability through Hampton Gardens residential estate and would be contrary to Objective PM32 and Objective Balbriggan 11 of the Fingal Development Plan 2017-2023. Furthermore, the proposed development would be contrary to the provisions of "The Design Manual for Urban Roads and Streets" published in 2013 which seeks to maximise permeability and connectivity for new residential developments to their surrounding environment. The proposed development would seriously injure the amenities of the area by reason of prevention of pedestrian movement through the southern portion of the Hampton Gardens residential estate to the R122, would set an undesirable precedent for further such development and would, therefore, be contrary to the proper planning and sustainable development of the area.

P.A. Ref. F18A/0117 Permission REFUSED in May 2018 for modifications to the site layout as permitted under Register Ref. No F14A/0381, at Hampton Gardens a site measuring 2.81 hectare, at Naul Road Balbriggan Co Dublin. The development will

consist of the omission of 2 no pedestrian ramps, located at Hampton Gardens Drive and Hampton Gardens Grove with minor boundary modifications and all associated site works. The reasons for refusal were as follows;

1. The proposed development which entails omitting 2 no. of the 3 no. permitted pedestrian/bicycle accesses would significantly reduce permeability and connectivity between Hampton Gardens and the wider area. The proposed development would therefore contravene materially Objective PM32 and Objective Balbriggan 11 of the Fingal Development Plan 2017 – 2023, which seek to promote permeability within urban developments and would be contrary to the proper planning and sustainable development of the area.

2. The omission of 2 no. of the 3 no. permitted pedestrian/bicycle accesses would significantly limit the number of routes between the development and the wider area thereby forcing pedestrians in a circuitous route. This would not accord with the principles set out in The Sustainable Residential Development in Urban Areas (DoEHLG May 2009). The proposed development would, if permitted, be contrary to the Sustainable Residential Development in Urban Areas (DoEHLG May 2009).

3. The proposal to omit 2 no. of the 3 no. permitted pedestrian/bicycle accesses would result in an intensification in the use of the only remaining pedestrian/bicycle access at the end of Hampton Gardens Avenue which would be injurious to the residential amenities of this part of the development.

P.A. Ref. F16A/0497 Permission GRANTED in April 2017 for modifications to 4 no. existing ground floor level 2-bedroom apartments, Hampton Gardens apartment unit no.'s 100, 102, 104, 106 (now known respectively as 37, 38, 39, 40 Hampton Gardens Crescent) permitted under Register Ref. No. F05A/0323 at Hampton Gardens, a site measuring 2.81 hectare. The development will consist of the relocation of each apartment front entrance door from the west elevation to the east elevation of the existing 3-storey duplex block (Block No. 28/Type D1) including all associated external works, revisions to ground floor elevations and related alterations to the internal layouts of each of the 4 no. ground floor level 2-bedroom apartments.

P.A. Ref. F14A/0381 Permission GRANTED in July 2015 to Wynn Clons Developments Ltd. for proposed development comprising revised proposals for the completion of the residential development. The development completed includes 40

duplex units, 11 houses (10 no. semi-detached and 1 no. detached) and foundations / bases for an additional 23 houses. The application seeks permission for completion of the house type on the 23 bases (22 no. semi-detached and 1 no. detached 3 bed houses) and a revised layout of the remainder of the site to provide 45 houses (30 no. semi-detached, 6 no. detached and 9 no. terraced houses comprising 42 no. 3 bed and 3 no. 4 bed houses). The revised development provides a total of 119 units on the application site (2.81 ha) which excludes the 0.17ha site to the southeast of the site. Access to the proposed development is from the Naul Road via the existing access road located along the western boundary of the site. Permission sought for a new bin store / plant room to serve the existing duplex units, landscaping / boundary treatment, children's play area within the existing open space area, relocation of existing ESB substation and all associated site and development works. The application was appealed to An Bord Pleanála and subsequently withdrawn under ABP Ref. PL06F.244521.

P.A. Ref. F08A/0771 Permission REFUSED in August 2008 to Joseph Daly & Pascal Butler for proposed development comprising (A) Development on a site measuring 0.17 hectare to the southwest of Westbrook Housing Estate, east of a site currently under construction (Reg. Ref. No. F05A/0323) and adjoining and to the north of, Naul Road. The development will consist of the demolition of an existing single storey bungalow dwelling and outbuilding and construction of 13 no. residential units consisting of 6 no. new A-Type Houses (being 2-storey 3 bedroom semi-detached houses) and 1 no. new 3-storey and 2-storey duplex block (containing 3 no. 2-storey 2-bed duplex units with private terraces over 3 no. ground floor 2-bed apartments and 1 no. 2-storey 2-bed unit entered at ground floor level with private terraces at first floor level) including landscaping and boundary treatments all as an extension/addition to the approved development currently under construction (Reg. Ref. No. F05A/0323) to the west and north of the site with vehicular and parking access provided through the approved development under construction and (B) modifications to a development currently under construction (Reg. Ref. No. F05A/0323) on a site measuring 2.81 hectare to the west of Westbrook Housing Estate, and adjoining and to the north of, Naul Road, Balbriggan, Co Dublin, which will consist of the relocation of Blocks nos. 1-5, as previously approved under Reg. Ref. No. F05A/0323, comprising 2 no. A2-Type houses and 8 no. A-Type houses, to the northwest of their existing approved

position on site and construction of 2 no. new A-Type Houses (being 2-storey 3-bedroom semi-detached houses) and the provision of additional carparking spaces. The application was appealed to An Bord Pleanála and subsequently withdrawn under ABP Ref. PL 06F.230840.

P.A. Ref. F05A/0323 Permission GRANTED in August 2005 to Crescent Park Properties for proposed development comprising 160 residential units comprising of 48 no. 2 bed apartments, 6 no. 3 bed apartments, 9 no. 4 bed duplex units and 51 no. 3 bed duplex units all contained within 12 no. 3 storey blocks and will also consist of 44 no. 3 bed semi-detached units and 2 no. 3 bed detached units, 191 car parking spaces and associated site development works and open space on a 2.81 hectare site.

5.0 Policy and Context

5.1. Development Plan

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

Zoning: The site is zoned objective 'RA – Residential Area' which seeks 'Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.

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 PM65 Ensure all areas of private open space have an adequate level of privacy for residents through the minimisation of overlooking and the provision of screening arrangements.

Development Management Standards – Chapter 12

Design Criteria for Residential Development - Section 12.4

Objective DMS22 Require a minimum floor to ceiling height of 2.7 metres in apartment units, at ground floor level.

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.

Minimum Gross Floor areas for Apartments / Duplexes - Table 12.2

Objective DMS28 A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

Objective DMS29 Ensure a separation distance of at least 2.3 metres is provided between the side walls of detached, semi-detached and end of terrace units.

Objective DMS36 Ensure all new residential schemes include appropriate design measures for refuse storage areas, details of which should be clearly shown at pre-planning and planning application stage. Ensure refuse storage areas are not situated immediately adjacent to the front door or ground floor window, unless adequate screened alcoves or other such mitigation measures are provided.

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 DMS57 Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS57A Require a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open

space type specified in Table 12.5. The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/ amenity facilities is not achievable. This is subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5.

Objective DMS57B Require a 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, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5. The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

Table 12.5 Open Space Hierarchy and Accessibility – refers to types of public open space, areas and accessibility distances from homes.

Objective DMS58 Require an equivalent financial contribution in lieu of open space provision in smaller developments of less than three units where the open space generated by the development would be so small as not to be viable. Where the Council accepts financial contribution in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1.

Objective DMS66 Ensure open spaces are not located to the side or the rear of housing units.

Objective PM42 The Guidelines for Planning Authorities ‘Sustainable Urban Housing: Design Standards for New Apartments’, 2015 issued by the then Minister for the Environment, Community and Local Government under Section 28 of the Planning and Development Act, 2000 (as amended) are required to be applied by the Planning Authority in carrying out its functions.

Objective PM43 Have regard to ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2007) (or any update or revision of these standards) when assessing apartment developments.

5.2. **Other Relevant Government Guidelines**

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).

Urban Design Manual - A Best Practice Guide (2009)

Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

Design Manual for Urban Roads and Streets (2019)

5.3. **Natural Heritage Designations**

The site is located c. 4.8km to the south of the River Nanny Estuary and Shore SPA (Site Code: 00418).

5.4. **EIA Screening**

Having regard to the nature and scale of the proposed development on zoned and serviced land, 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

A third-party appeal was received from Gordan Finn and Helen Ní Riain, who reside at No. 21 Hampton Gardens Drive, Balbriggan which is a house located opposite the appeal site at its south-western corner. The main grounds of appeal are summarised under the headings below;

6.1.1. Car parking.

- The permitted development's car parking provision, as required under Condition 8(b) of the Planning Authority's decision, requires just 20 no. spaces (1 no. space per residential unit).
- The permitted car parking provision does not comply with Table 12.8 of the Fingal Development Plan 2017-2023 which requires 1 no. space per 1-bedroom apartment and 1.5 no. spaces per 2-bedroom apartment, with an additional 1 no. visitor car parking space to be provided per five units.
- As required under Table 12.8, the proposed development requires 29 no. car parking spaces.
- The proposed development provides a shortfall of 9 no. parking spaces, equating to a 31% deficit in the standard car parking provision.
- No visitor car parking spaces are provided within the development.
- CSO data drawn from the 2016 Census indicates that the average level of car ownership in the area encompassing Hampton Gardens was then of 1.54 cars per household (higher than the Fingal-wide average of 1.38 cars per household).
- The level of car ownership is likely to have risen further in the intervening years, in line with a steady year-on-year increase in the vehicle population nationally since 2011.
- CSO data indicates that this area of Balbriggan currently still has a high level of reliance on private car use for daily transport.

- The 2016 census results show that 68% of working residents within this area drove a car or van as their usual main mode of transport to their place of work.
- If those who usually travel as car passengers are also included, the proportion rises to 72%.
- In contrast, the recorded modal shares of bus and train for residents' trips to work were just 4% and 3%, respectively.
- These existing high levels of car ownership and car use in the area, which are above the average levels for Fingal as a whole, do not support the reduced car parking provision proposed as part of the subject development.
- The development's provision of 1 no. car parking space per residential unit would be insufficient to cater for prospective residents and visitors.
- The Further Information Response document prepared by BMA Planning on behalf of the applicant characterises the subject development site as a 'peripheral and/or less accessible urban location' within the meaning given by the 2018 Apartment Guidelines and submits that the provision of 26 no. car parking spaces to serve 20 no. residential units (as indicated under the applicant's revised development proposal) would therefore be sufficient.
- The appellants contend that the application of the 2018 Apartment Guidelines to the subject development site does not take into account the site's awkward infill location, the constrained nature of vehicular access to the site at the end of a cul-de-sac, and the existing problems of obstructive parking along this street and elsewhere in the Hampton Gardens estate.
- The appellants are dismayed at Condition 8(b) of the Council's decision which has reduced the permitted parking quantum even further than derived from the Apartment Guidelines, to just 20 no. spaces.
- In its decision, Fingal County Council deviated both from its own Development Plan parking standards and from the recommendations of the Apartment Guidelines, conditioning a parking provision that falls short in both cases.
- The removal of 6 no. car parking spaces has evidently been conditioned to improve the parking arrangement and bring this closer in line with the guidance of the

Design Manual for Urban Roads and Streets. This is welcome in itself, though not at the cost of further reducing already inadequate car parking provision.

- The Council should have recognised that the conflict between parking quantum and parking arrangement is symptomatic of the proposed development's excessive density i.e. that it is not possible for a 20-unit development of the type proposed to be accommodated on this site while providing car parking that is both sufficient in number and safe in design.
- Car parking within the existing Hampton Gardens estate is already an established problem.
- With no designated visitor parking provision, cars are frequently parked on the carriageway or on the footpath, obstructing both vehicular and pedestrian traffic, and hindering access to driveways.
- The estate is used during school term times as a parking area by parents dropping off or collecting children from the nearby St. George's school, resulting in significant obstruction of traffic during these times.
- There is no spare capacity for overspill parking within the existing estate.
- By reason of its inadequate car parking provision (and in particular the lack of any visitor car parking), the proposed development would inevitably exacerbate these existing problems.
- The planning documentation supplied does not outline any measures by which car parking could be managed or controlled.
- There are no means described by which residents of the proposed development could be limited to parking a single car within the estate, and no consideration of how visitor car parking would be accommodated.

6.1.2. Site Suitability

- The site is located at the far end of a residential cul-de-sac that is otherwise composed of detached and semi-detached 2-storey houses.
- This established pattern of development along the street, with houses set back from the street, restricted in height and separated from one another provides an

open feel to the street, allows good diffusion of natural light and reduces both wind tunnel effect and acoustic reflection.

- The proposed development is entirely inconsistent with the existing character and structure of the street.
- Comprising two substantial blocks of contiguous apartment/duplex units, each three storeys in height, the scale and massing of the proposed development would visually dominate the street - all the more so as it would be located on the street's most elevated point.
- The development's tall, long, unbroken form would significantly impede the penetration of natural light into this part of the street and would channel wind gusts along the street, creating an unpleasant microclimate.
- The large facades of the blocks are liable to reflect significant traffic noise from the R122, particularly as the development site is directly adjacent to this busy regional road and the boundary treatment proposed comprises only a low wall topped with a railing.
- The excessive density of the proposed development is such that it is effectively impossible to achieve car parking provision that satisfies the relevant standards while also being correctly designed.
- As the densest concentration of residential units on the street, at 20 no. units, equivalent to 60% of the number of residential units currently on the street, the proposed development would represent the street's highest concentration of trip generators/attractors.
- Given the site's location, all vehicular trips to and from the proposed development would travel almost the full length of the street.
- This significant increase in vehicle movements would represent a corresponding increase in risk to vulnerable road users, in particular children playing on the street.
- Due to the current quiet nature of the street and the fact that the green areas and playground in the Hampton Gardens estate remain unfinished, Hampton Gardens Drive is used extensively by children for playing.

- The risk presented by increased vehicular traffic would be further compounded by the inevitable increase in informal/nuisance parking that would result from the development's inadequate provision of car parking spaces.
- The development is likely to result in a greater number of vehicles parked along the carriageway and on footpaths.
- The obstruction of footpaths will cause pedestrians to divert onto the carriageway, often abruptly, presenting a risk of collision.
- The presence of stopped vehicles along the street, whether on the carriageway or on the footpath, will severely reduce intervisibility between pedestrians and drivers. Children are liable to dart out from between parked cars when crossing the street.

6.1.3. **Overlooking and Overshadowing**

- No Daylight/Sunlight Analysis or similar study examining the impact of the proposed development on neighbouring properties' access to light has been submitted with the planning application.
- In the absence of such a study and given the ridge height and elevated position of the proposed development, the appellants are concerned that the proposal would result in significant overshadowing of neighbouring dwellings.
- The scale and form of the proposed development is such that it may severely restrict the penetration of natural light to the street itself.
- The proposed development may result in significant overshadowing effect on the neighbouring dwelling to the north of the site no. 23 and the houses directly opposite, nos. 12-22 Hampton Gardens Drive.
- A full analysis of daylight and sunlight impact should have been undertaken in respect of the proposed development, in accordance with the methodology set out in the Building Research Establishment (BRE) guidance document 'Site layout planning for daylight and sunlight' (BR 209).
- The proposed development has potentially serious implications for the privacy and residential amenity of the neighbouring dwellings to its north and east, with regards to the overlooking and the inadequate boundary treatment proposed.

- The proposal would have a particular impact upon the existing dwelling no. 23 Hampton Gardens Drive, immediately to the north of the site.
- In response to the Further Information request, the revised proposal provides small frosted glass screens atop the first floor balconies' side walls. These screens would do little to prevent intentional overlooking of the neighbouring garden, and in any case could easily be broken or removed. The matter of set-back distance referred to in the Council's further information request appear to have been ignored. The first floor balconies of the proposed development are still within 1.2m of the adjacent property.

6.1.4. **Boundary Treatment**

- The boundary treatment between the subject site and the adjacent property at no. 23 Hampton Gardens Drive is poorly conceived.
- The Boundary Treatment Plan & Boundary Details drawing (Dwg. no. 103) indicates that an "existing boundary wall" is to be retained along the subject site's northern boundary. In reality, there is no continuous wall along this boundary. Photograph submitted showing that a significant portion of this boundary is defined only by a timber panel fence.
- The proposed development cannot be constructed in strict accordance with the landscaping plans submitted, whereby it is impossible to retain a wall that does not exist.
- The occupants of the neighbouring property are given no assurance that a suitable boundary definition and treatment will be provided as part of the proposed development.
- The existing timber panel fence would not provide a suitable separation between the proposed development and the existing adjacent garden, which is now in poor condition due to the presence of spoil heaps on the subject site that bear up against the fence.
- The location of communal amenity space within the proposed development, extending up to its northern boundary with no. 23 Hampton Gardens Drive, has the

potential to prejudice the adjoining dwelling's residential amenity by constituting a source of noise, litter, and disturbance.

6.1.5. **Construction Management**

- The Construction and Demolition Waste Management Plan (CDWMP) submitted states that "the primary means for all access and egress to the development will be via Hampton Gardens Drive from the Castlemill Link Road", as "there is no direct means of vehicular access from Clonard Road".
- This would require all construction traffic to travel the full length of the existing residential street, presenting a hazard to pedestrians and children playing.
- The subject site has street frontage of approx. 24m on Clonard Road, which would provide a more suitable construction access location.
- The applicant has not given any reason for locating the site access on Hampton Gardens Drive, which would cause considerably more inconvenience and risk to residents, rather than on Clonard Road.
- The CDWMP states that "there will be no on site provisions for parking for either site operatives or visitors to the site" and that "no day time or night time parking of vehicles will be permitted outside of agreed areas". Condition No. 13 of the Council's decision requires that "During the construction phase of the development hereby permitted the applicant/developer shall provide adequate off carriageway parking facilities for all traffic associated with the permitted development, including delivery and service vehicles/trucks." It is unclear how and where such off carriageway parking facilities are to be provided.
- Despite the assertion in the CDWMP that the absence of onsite parking "will encourage use of existing local public transport links", the local area does not benefit from good public transport provision. Balbriggan railway station is approx. 2km (25 minutes' walk) from the site, as are the nearest bus stops served by Bus Eireann route 101 between Dublin and Drogheda. Millfield shopping centre is served by the Balbriggan town bus service, but this is infrequent and takes a variable route. It is inevitable that some construction personnel associated with the proposed development would seek to drive to the site, particularly if they had a need to transport tools or equipment.

- Significant drainage works are proposed along the southern half of Hampton Gardens Drive to facilitate the subject development. These works will require the opening of the street along a length of approx. 75m, for the laying of new pipes and making new connections to existing ones. This would likely obstruct access to at least 11 no. houses along the western side of Hampton Gardens Drive (nos. 12 to 22). Neither the CDWMP nor any other documentation submitted with the application gives any indication of how these works are to be carried out without curtailing access to these dwellings.
- The following matters relating to construction management have not been addressed in the CDWMP or in the other documentation submitted:
 - There is no method statement for the identification and safe disposal of asbestos-containing materials within the existing structure to be demolished.
 - There is no provision for identifying bat feeding or roosting onsite, and no provision for the relocation of bats if present.
 - There is no method statement for the identification and safe disposal of any invasive species (e.g. Japanese knotweed) that may be present on the site.

6.1.6. **Public Open Space**

- The proposed development does not include the provision of any public open space.
- Objectives DMS57, DMS57A, and DMS57B of the Fingal Development Plan 2017-2023 require that all developments include a minimum public open space provision of 2.5 hectares per 1000 population, and that a minimum 10% of a proposed development site area be designated for use as public open space.
- Table 12.5 of the Development Plan specifies that, at a minimum, a pocket park is to be provided within every new residential development (except for developments of fewer than 3 no. units, as provided for by Objective DMS58), and that this must not be located to the side or back of houses. Table 12.5 also notes that no contributions may be made in lieu of the provision of a pocket park.

- The proposed development has a total site area of approx. 2,260 m² (excluding the section of the street included within the application boundary) and applying the occupancy rates given in the Fingal Development Plan 2017-2023 would have a total population of 30 persons for the purposes of open space calculation.
- In accordance with Table 12.5 and Objectives DMS57, DMS57A, and DMS57B of the Development Plan, the proposed development should include at least 0.075ha of public open space in total (some of which may be offset by contributions, at the Council's discretion), of which a minimum of 0.023ha (226 m² must be provided, in the form of a pocket park, and cannot be compensated for by contributions in lieu.
- Condition 12 of the Council's decision however stipulates that: "The Developer shall pay €44,020 in lieu of 0.075 ha of public open space". This allows the omission of all public open space from the proposed development.
- The appellants submit that the Council has thereby misinterpreted or misapplied Table 12.5 and objectives DMS57, DMS57A, and DMS578 of the Development Plan. The proposed development contravenes these objectives and no valid reason has been given for permitting such contravention.
- The proposed development contravenes Objective DMS59 of the Fingal Development Plan 2017-2023, which seeks to "ensure every home within a new residential scheme is located within 150 metres walking distance of a pocket park, small park, local park, urban neighbourhood park or regional park."
- The closest existing public open space to the subject development site is that situated along the northern fringe of the Hampton Gardens estate. Several of the dwellings within the proposed development would be located further than 150m from this existing public open space.

6.1.7. **Enforcement Issues**

- The existing Hampton Gardens estate, developed so far under planning permission ref. F14A/0381, remains unfinished whereby 3 no. pedestrian/cyclist access points along the Clonard Road are incomplete, the public open space has not been adequately levelled and landscaped, the children's play area within this green space has not been constructed, no footpaths have been constructed connecting

Hampton Gardens to the neighbouring Moylaragh and Westbrook estates and street name signage has not been erected.

- An application P.A. Ref. F18A/0543) was made in October 2018 to modify the extant planning permission P.A. Ref. F14A/0381 for the omission of the 3 no. pedestrian/cyclist access points on Clonard Road (by then already partially constructed) and the closure of the existing laneway between Hampton Gardens Drive and Hampton Gardens Avenue. Following a grant of permission by Fingal County Council, the proposed amendments were refused permission on appeal by An Bord Pleanála under ABP Ref. ABP-303234-18.
- In the 23 months since then, no works have been carried out on the incomplete pedestrian/cyclist access points along the southern boundary. These remain partially constructed and are unusable.
- Development of the Hampton Gardens estate to date under P.A. Ref. F14A/0381 has been carried out by Wynn Clons Development Ltd., an entity closely related to the applicant in this case (Orchid Homes Ltd.). The two companies have a common registered address and share a director. Given the reluctance of Wynn Clons Development Ltd. to fully complete the existing Hampton Gardens development, the appellants have serious concerns that the development now proposed by Orchid Homes Ltd. may, if permitted, remain unfinished in a similar manner. If this were to happen, the appellants have very little confidence in the willingness or ability of Fingal County Council to remedy the situation, in view of the Council's apparent reticence so far in enforcing the conditions under P.A. Ref. F14A/0381.

6.2. Applicant Response

The response received from BMA Planning, representing the Applicant, is addressed under the headings below;

6.2.1. Car Parking

- The proposed development, as submitted in response to the Further Information request incorporates a total of 26 no. car parking spaces in a shared format to the front (west) of the two number terraces.

- 26 no. car parking spaces equates to 1 space per unit plus 6 no. spaces for visitors. This is consistent with the approach to car parking provision contained within the Sustainable Urban Housing: Design Standards for New Apartments 2020 at a 'peripheral and / or less accessible urban location' where the benchmark is one space per unit together with an element of visitor parking, such as one space for every 3-4 apartments.
- In assessing the proposed development at Further Information stage, the Planning Authority identified a preference for in-curtilage car parking which will, in their view, provide an improved layout and is more suitable for taking in charge purposes.
- Condition No. 8 attached to the Notification of Decision to Grant Permission gives effect to this preference and results in the total number of car parking spaces on site being reduced to 20 no. spaces.
- The 2020 Apartment Guidelines (paragraph 4.27) support the Planning Authority's approach, whereby 'car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to design quality and location' on urban infill sites of up to 0.25 ha, such as the current application site'.
- Figure 3.1 submitted illustrates the Site Layout Plan with the requirements of Condition No. 8 incorporated.
- A further design improvement has been included with the provision of car parking spaces in groups of 2. This facilitates the inclusion of wide pedestrian accesses directly to the front doors of the proposed units. This arrangement also allows for direct links to the proposed pedestrian footpath to the west of the car parking spaces.
- The car parking layout required by Condition 8 provides an enhanced urban design solution and development layout. The solution fits more comfortably with the existing streetscape by allowing for the continuation of the existing footpath from the north of the site while mirroring the footpath layout on the western edge of Hampton Gardens Drive. On this basis, the applicant is satisfied to implement Condition 8 as per the Site Layout Plan / Figure 3.1 attached.

- It is the appellant's submission that the car parking standards from the Fingal Development Plan 2017 - 2023 should be implemented in full and provision should be made for 29 no. car parking spaces. Since the adoption of the Development Plan, guidance in relation to car parking provision and layout have been updated by the Sustainable Urban Housing: Design Standards for New Apartments 2020 and the Design Manual for Urban Roads and Streets 2019 (DMURS).
- The applicant has demonstrated that they can provide 26 no. car parking spaces in accordance with the 2020 Apartment Guidelines. In addition, the applicant has demonstrated that an enhanced urban design and streetscape is possible with a reduced car parking provision to 20 no. spaces in accordance with the 2020 Apartment Guidelines and DMURS principles.
- The appellant's request for implementation of the full provision of 29 no. spaces on this infill site is not supported by current planning policy guidance and would result in an inferior layout and streetscape.
- The applicant is satisfied to implement the requirements of Condition No. 8 and provide a higher standard of design and layout for the proposed development. The decision to grant permission should be upheld on this basis.

6.2.2. **Site Suitability**

- Condition No. 8 of the grant of permission reduces car parking provision within the development. As a result, the number of car trips arising from the proposed development will be no more than would arise with a typical housing development at this location.
- No evidence or supporting documentation is provided to substantiate the appellants claims that the proposed development will give rise to microclimate impacts relating to daylight, wind and noise.
- The proposed development sits comfortably within the site context and will have no adverse impact on the amenity or microclimate of existing residences on Hampton Gardens Drive.
-

- A separation distance of 19.5 to 21m would be maintained between the facades of the proposed development and the dwellings located opposite along Hampton Gardens Drive. This is sufficient to prevent overshadowing.
- The ridge height of the proposed development, ranging from 40.09 to 41.35 OD follows the ridge height of the existing dwellings along Hampton Gardens Drive at c. 41.50 OD.
- The site with an area of c.0.25ha suggests a density of 88/ha. If the apartment/duplex combination were compared to a single house, the density equivalent would be in the region of 44 p/ha. As such, the scale and design of the proposed development reflects the established suburban nature of the Hampton Gardens estate.
- The site comprises an infill site at the south-eastern corner of the Hampton Gardens estate. It is appropriate and desirable that this under-utilised site be developed for residential accommodation and facilitate the completion of the wider Hampton Gardens scheme.
- The provision of a wider unit mix is welcome in an area of predominately semi-detached dwellings and in close proximity to a range of facilities including the Millfield Shopping Centre and St. Georges National School.
- The development of a residential zoned infill site with higher density housing, while safeguarding the established residential amenity, is in accordance with national planning policy. Both the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' and the 'National Planning Framework: Project Ireland 2040' encourage higher densities in appropriate locations and more compact urban growth. The proposed development achieves these planning policy objectives.

6.2.3. **Overlooking**

- The proposed development provides separation distances of c.19.5 to 21m between the proposed units and the dwellings located opposite along Hampton Gardens Drive.

- The ridge heights of the proposed development are broadly in line with the existing ridge heights at Hampton Gardens Drive.
- The proposed development is orientated on a north-south axis, replicating the design and layout of residential neighbourhoods within Hampton Gardens and the adjoining Westbrook.
- Having regard to the separation distances, scale and orientation of the proposed development, the level of daylight impacting existing dwellings will be limited, if any, and well within expected levels for a suburban residential development.
- The proposed development will have no impact on the levels of sunlight to the private amenity spaces of the existing dwellings along Hampton Gardens Drive as these spaces are located to the rear (west) of these houses.
- The issue of safeguarding the residential amenity of the neighbouring house to the north No. 23 Hampton Gardens Drive was addressed with the provision of a frosted glass screen, increasing the overall height of the side wall of the balcony to 1.8m.
- The proposed frosted screens will provide enhanced privacy to the balcony areas for each of the proposed first floor duplex units.

6.2.4. **Boundary Treatment**

- The proposed development does not give rise to any threat to the existing boundary with No. 23 Hampton Gardens Drive.
- The development of the site will ensure that the boundary is maintained on both sides as opposed to the current situation whereby the boundary is only maintained on one side and untended on the southern side.
- The communal amenity space to the rear of the proposed development is intended as a passive open space and is laid out in this manner.
- The space comprises an open walkway, accessible only to residents, with seating areas at intervals. In this context, the proposed communal amenity space will function as a passive amenity space for future residents.

- The development of the site will have a significant benefit for the residents of Hampton Gardens Drive by removing a derelict, underused site and house from the street, which has been the subject of longstanding antisocial behaviour.
- The development provides an active residential use on an urban infill site with enhanced landscaping and passive amenity spaces that sit comfortably within the established residential neighbourhood.

6.2.5. **Construction Management**

- The Preliminary Construction and Demolition Waste Management Plan (PC&DWMP) includes outline proposals to address construction phasing and working hours, noise and dust control, construction traffic management, construction stage waste management and construction methodologies.
- In accordance with Condition No. 10 of the Notification of Decision to grant permission, or any similar condition required by the Board, a detailed Construction Management Plan and C&D Waste Management Plan will be prepared by the appointed contractor and submitted for agreement with the planning authority.
- Re. Construction Phase Traffic and Parking: - The PC&DWMP provides outline proposals and parameters for construction phase traffic and parking. Full details of construction traffic management will be provided in a detailed Construction Traffic Management Plan by the appointed contractor post a final grant of permission.
- Re. Foul and Surface Water Works: - The proposed foul and surface water works can be undertaken on a staged basis to ensure that the road remains open to traffic and without any significant impact on existing residents. The staging of these works can also be addressed within the detailed Construction Management Plan.
- Re. Demolition Waste: - Detailed assessments of the site and existing buildings will be undertaken prior to commencement and details of final waste volumes and materials including hazardous waste, if any, and the destination for these materials will be provided and agreed with the planning authority. Condition No. 10 of the notification of decision to grant permission provides for this process of identification and safe disposal and construction and demolition waste.

- Re. Bats and Invasive Species: There is no evidence of bats or invasive species on the site at present. In the event that evidence of either of these issues arise by way of detailed assessment prior to commencement, suitable provision can be made to address these issues in agreement with the Planning Authority.

6.2.6. Public Open Space

- The proposal is an infill development and will complete the Hampton Gardens estate at its south eastern corner.
- As an infill development, it is neither feasible nor practical for the proposed development to provide public open space on site.
- Applying the Development Plan Objective DMS57 gives a requirement for public open space of 750 sq.m. It is not considered suitable or desirable to provide a space of this size within an infill development.
- The Planning Authority have correctly used their discretion as provided for within the Development Plan and Development Contribution Scheme to apply a development contribution in lieu of public open space provision.
- Condition No. 12 of the notification of decision to grant permission refers and the Planning Authority can utilise the proceeds of this development contribution to augment or improve public open space in the area.
- There will be a hierarchy of open spaces available to the future residents of the development including the existing public open space within the northern half of the Hampton Gardens estate extending to approximately 0.4ha, the proposed communal open space of 660 sq.m directly to the rear of the proposed units and the private amenity spaces attached to each unit. Combined, these spaces provide an accessible and usable range of open spaces for the future residents.

6.2.7. Enforcement Issues

- The appellant outlines items within the wider Hampton Gardens estate that they believe have not been completed in accordance with the development permitted under Reg. Ref. F14A/0381.

- The issues raised by the appellant can and will be completed in the context of the taking in charge process and the applicant for that development, Wyn Clons Development Ltd, is working with the Planning Authority to complete these works and complete the taking in charge process. A grant of permission for the current application and completion of the Hampton Gardens development will expedite this process.
- Regarding the pedestrian/ cycle accesses to Clonard Road, an application by Hampton Gardens Residents Association to resolve these accesses was refused permission following an appeal in 2019 (under P.A. Ref. F18A/0543 and ABP Ref. PL06F.303234). The Board will note that both the Planning Authority and the Hampton Gardens Residents Association were supportive of this development. However, the decision to grant permission was overturned following an appeal by the appellant under the subject appeal.
- Following the easing of restrictions relating to Covid-19, the works in question are now being completed at the openings to the Clonard Road.
- Wyn Clons Development Ltd, is working with the Planning Authority to address any outstanding issues and complete the taking in charge process.
- The proposed development involves the development of an existing derelict site which will complete the Hampton Gardens development.

6.2.8. Appendices lodged with the applicant's response include the following;

- Notification of decision to grant permission.
- Revised Site Layout Plan as per Condition No. 8 of the notification of decision to grant permission.

6.3. **Planning Authority Response**

The Planning Authority's response is as follows;

- Having assessed the appeal submission it remains the opinion of the Planning Authority that the proposed development should be granted permission having regard to the reasons set out in the Planner's reports.

- The proposal entails the infilling of a serviced site within an existing residential area proximate to Balbriggan town centre.
- By virtue of its scale and design and subject to the conditions specified, the Planning Authority considers the proposal would not unduly impact on the amenity of neighbouring property and would not detract unduly from the amenity of the surrounding area.
- An Bord Pleanála is requested to uphold the decision of the Planning Authority.
- In the event that this appeal is successful, the Planning Authority requests that a condition, in respect of the Section 48 Development Contribution Scheme, and a condition in respect of the Bond/Cash Security is included in An Bord Pleanála's determination.
- The bond condition is the Council's sole mechanism to ensure that the roads/footpaths/public lighting/open spaces/underground services within the development are built to the Council's Taking in Charge standard. Without this condition, the cost of bringing the development up to the standard will have to be borne by either the residents who purchase the properties or out of tax-payer funds by the Council.

6.4. **Observations**

None

7.0 **Assessment**

Having examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Car Parking and Density,
- Overlooking and Overshadowing,
- Boundary Treatment,
- Construction Management,

- Enforcement Issues.

I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issues for consideration are addressed below.

7.1. Car Parking and Density

- 7.1.1. The appellants object to the proposed development on the grounds that the Planning Authority deviated from both from its own Development Plan car parking standards and the recommendations of the Sustainable Urban Housing: Design Standards for New Apartments by conditioning a parking provision that falls short in both cases. The appellants put forward that the parking requirements under Condition No. 8(b) of the Planning Authority's grant of permission requires just 20 no. spaces (i.e. 1 no. space per residential unit) does not comply with Table 12.8 of the Fingal Development Plan 2017-2023 which requires 1 no. space per 1 bedroom apartment and 1.5 no. spaces per 2-bedroom apartment, with an additional 1 no. visitor car parking space to be provided per five units. The appellants highlight that the permitted development results in a shortfall of 9 no. parking spaces, equating to a 31% deficit in the standard car parking provision required. With regards deviation from the Design Standards for New Apartments, the appellants put forward that the application of these Guidelines to the subject site does not take into account the site's awkward infill location, the constrained nature of vehicular access to the site (at the end of a cul-de-sac), and the existing problems of obstructive parking along the adjoining street and elsewhere in the Hampton Gardens estate. Furthermore, the appellants contend that the density of the proposed development cannot provide for the number of car parking spaces required in a safe manner. The appellants put forward that the proposed development will exacerbate the existing problem of car parking within the Hampton Gardens estate whereby there is no designated visitor parking, resulting in cars frequently parking on the carriageway or on the footpath, thereby obstructing both vehicular and pedestrian traffic, and hindering access to driveways. The appellants highlight that the estate is used during school term times as a parking area by parents dropping off or collecting children from the nearby St. George's school, resulting in significant obstruction of traffic during these times. The appellants also object on the grounds that the proposal does not outline any measures by which car parking could be managed or controlled,

how residents of the proposed development could be limited to parking a single car within the estate, and no consideration is given of how visitor car parking would be accommodated. The applicant's response to these grounds of appeal is detailed in Section 6.2 above.

- 7.1.2. The Planning Authority in its assessment of the revised proposal submitted by way of Further Information, which provided 26 no. on-street parking to the front of the units, considered the revised layout undesirable and problematic for taking in charge purposes. The Council's Transportation Planning Section report noted that the revised layout would create a long stretch of parking without any break-up of parking spaces and would not allow for the designation of parking spaces, which could cause issues with taking in charge. Consequently, the Planning Authority considered it preferable to have in-curtilage designated parking and dealt with this issue by way of Condition No. 8(b) of the grant of permission requiring the 'provision of in-curtilage parking comprising of 20 no. parking spaces, comprising banks of 3-4 spaces, with across points between each bank to the public footpath which shall be located to the west of the car parking'. The Planning Authority report acknowledges that the provision of in-curtilage parking is unlikely to facilitate as many parking spaces as the proposed on-street parking arrangement. However, the Planning Authority refers to the Design Standards for New Apartments Guidelines which recommends that a reduced overall parking standard is acceptable in suburban/urban locations served by public transport or close to town centres. On this basis, the Planning Authority consider that the provision of a minimum of 20 no. car parking spaces is acceptable.
- 7.1.3. The proposed development, as submitted by way of further information, provides 20 no. units comprising 10 no. one bed ground floor apartments and 10 no. 2 bed duplex units over, in two terraces. In response to the grounds of appeal, the applicant submitted a revised Site Layout Plan detailing the provision of 20 no. in-curtilage car parking spaces to the front of the proposed units. Table 12.8 of the Fingal Development Plan 2017-2023 requires 1 no. car parking space per 1 bedroom apartment and 1.5 no. spaces per 2-bedroom apartment, and the requirement of 1 no. visitor car parking space to be provided per five units. This would require the provision of 29. no car parking spaces to serve the proposed development.
- 7.1.4. Objective PM42 of the Development Plan requires that 'the Guidelines for Planning Authorities "Sustainable Urban Housing: Design Standards for New Apartments"...are

required to be applied by the Planning Authority in carrying out its functions” and Objective PM43 requires to ‘have regard to “Sustainable Urban Housing: Design Standards for New Apartments” (2007) (or any update or revision of these standards) when assessing apartment developments’. The updated Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities were published in December 2020.

- 7.1.5. The stated area of the site is 0.2 ha and the proposed development comprises 20 no. units. This yields a density of 100 units per ha. The site is located c. 1.3 km to the west of Balbriggan railway station and is served by the Dublin Bus No. 101 (Dublin Búsaras – Drogheda) along Drogheda St. in Balbriggan town centre, c. 1.3 km to the west and the B1 Balbriggan Station – Millfield shopping centre town bus service. The density of the proposed development and its distance from public transport nodes accords with an ‘Intermediate Urban Location’, as detailed in Section 2.4(2) of the Sustainable Urban Housing: Design Standards for New Apartments (2020). Such areas are identified as locations suitable for ‘higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including...a site within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services’. For such locations, Section 4.21 of the Design Standards for New Apartments (2020) states that ‘in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard’. Having regard to the context of the site within an ‘intermediate urban location’, the density of the proposed development and its distance from high capacity urban public transport, I am satisfied that the reduced car parking standard applied by the Planning Authority complies with Objectives PM42 and PM43 of the Fingal County Development Plan and the car parking standards set out in the Sustainable Urban Housing: Design Standards for New Apartments (2020).

- 7.1.6. The existing site contains a derelict detached single storey dwelling and elongated rear garden with a depth of c. 79m. and width of c. 33-35m. The redevelopment of this infill site with a higher residential density of development would be consistent with National Policy Objective 35 of the National Planning Framework which seeks to 'increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'. The proposal is also consistent with Objective PM44 of the Fingal County Development Plan 2017-2023 which seeks to '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'.
- 7.1.7. It is my view that the vehicular access to the site is not constrained, as put forward by the appellants. The existing road serving the site has been fully developed, serving the existing dwellings along Hampton Gardens Drive. I am satisfied that the existing road serving the site complies with the Design Manual for Urban Roads and Streets 2019 (DMURS) with regards carriageway width, alignment and forward visibility. I concur with the requirements of Condition No. 8 imposed by the Planning Authority requiring the provision of in-curtilage parking comprising of 20 no. parking spaces within banks of 3-4 space, with pedestrian access points between each bank to the public footpath and the continuation of the public footpath along the western boundary of the car parking area serving the proposed dwelling units. This would ensure the natural continuation of the existing footpath to the north of the site to connect with the pedestrian/cycle access onto the Clonard Road at the end of the cul-de-sac. It is my view that the site layout plan submitted by the applicant in response to the grant of permission and grounds of appeal (Dwg No. PA 102 Rev B) provides a satisfactory car parking layout addressing the requirements of this Condition.
- 7.1.8. I note Condition No. 3 imposed by the Planning Authority which requires that all pedestrian access points from the Naul / Clonard Road to Hampton Gardens, Grove, Avenue and Drive be completed and open to public use prior to commencement of development. Apart from Hampton Gardens Drive, these pedestrian access points are located outside the application site as outlined in red, and as such are not within the remit of this application and should be dealt with by way of enforcement proceedings by the Council, if required. I note however the applicant's response with this regard

and assurance that following the easing of restrictions relating to Covid-19, the works in question are now being completed at the openings to the Clonard Road. I observed such works being undertaken during site inspection. I note the appellants concerns regarding vehicles parking along carriageways and on footpaths within the Hampton Gardens estate, causing obstruction to pedestrians and vehicles and causing risk to vulnerable road users, in particular children playing on the street. Given the location and in-curtilage car parking layout of the proposed development, I do not consider the proposal would exacerbate this issue.

- 7.1.9. Having regard to the above, it is my view that the car parking provided for the proposed development complies with Objectives PM42 and PM43 of the Fingal County Development Plan and the car parking standards set out in the Sustainable Urban Housing: Design Standards for New Apartments (2020) and would be acceptable in terms of traffic and pedestrian safety and convenience. I recommend, therefore, that the appeal should not be upheld in relations to these grounds of appeal.

7.2. Site Suitability

- 7.2.1. The appellants object to the proposed development on the grounds that its layout and design is inconsistent with the character and pattern of development of Hampton Gardens Drive, which comprises detached and semi-detached 2-storey houses, characterised with setbacks from the street and restricted heights which provides an open feel to the street, allows good diffusion of natural light and reduces both a wind tunnel effect and acoustic reflection. The appellants express concern that the scale and massing of the proposed development on an elevated position would visually dominate the streetscape. Furthermore, the appellants express concern that height and length of the proposed development would significantly impede the penetration of natural light into the street and would channel wind gusts along the street, creating an unpleasant microclimate. The appellants also raise concern that the large facades of the proposed development would reflect significant traffic noise from the adjacent R122 regional road, particularly given the proposed roadside boundary treatment which comprises a low wall topped with a railing. The applicant contests these grounds of appeal, as detailed in Section 6.2.2 above.
- 7.2.2. The proposed development provides for the construction of 20 no. units comprising 10 no. one bedroom ground floor apartments and 10 no. 2 bed duplex units over, in two

terraced blocks. The front building line of the two terraced blocks align with the front building line of the existing dwellings to the north along Hampton Gardens Drive. As such their set back from the edge of the road is consistent with that of existing dwellings along the street. The height of the pitched roofs of the proposed terraced blocks is 9.76m. Contiguous Elevation Dwg. No. PA 107 shows that the height of the proposed development at 41.35 OD would be lower than the height of the dwellings located opposite along Hampton Gardens Drive at 41.5 OD. While it is acknowledged that terraced nature, housing type (i.e. apartments and duplex units) and the form and design of the proposal is at variance with the established pattern of semi-detached and detached dwellings along Hampton Gardens Drive, I consider that the density of the proposed development would fulfil Objective 35 of the National Planning Framework and Objective PM44 of the Fingal County Development Plan 2017-2023, as dealt with under Section 7.1 above. A separation distance of c. 20.5 would be maintained between the front elevations of the proposed development and the dwellings located along Hampton Garden Drive. Given the north-west / south-east orientation of the proposed 2 terraced blocks, and its height and separation distance from the existing dwellings located opposite along Hampton Gardens Drive, it is my view that the proposed development would not overshadow the dwellings located directly opposite and would not impede the penetration of light or create an unpleasant micro-climate subject to gusts of winds, as put forward by the appellants. In the absence of substance evidence to demonstrate otherwise, I do not consider the extent of the facades of the proposed development would reflect significant traffic noise from the adjacent R122 to any significant degree to warrant refusal of permission. In consideration of the above, I recommend that the appeal should not be upheld in relations to these grounds of appeal.

7.3. Overlooking and Overshadowing

- 7.3.1. The appellants object to the proposed development on the grounds that it would result in overlooking and overshadowing of neighbouring property. With regards overshadowing, the appellants express concern the proposed development would overshadow house nos. 12-22 Hampton Gardens Drive located directly opposite the site and the neighbouring dwelling to north of the site, No. 23. The appellants put forward that a daylight/sunlight analysis or similar study examining the impact of the

proposed development on neighbouring property should have been submitted with the planning application. With regards overlooking, the appellants express concern the proposal would seriously impact the privacy and residential amenity of neighbouring dwelling no. 23 Hampton Gardens Drive (to the north) and neighbouring dwellings to the east. The appellants put forward that the revised proposal submitted by way of Further Information, providing small, frosted glass screens atop the first floor balcony side walls would do little to prevent intentional overlooking of the neighbouring garden to the north and could be easily broken or removed.

- 7.3.2. With regards overlooking, the proposal as submitted way of further information, would maintain a separation distance of 1.2m from the northern boundary of the site and c. 2.4m from the southern side elevation of house No. 23 Hampton Gardens Drive. In response to the Planning Authority's concerns regarding overlooking of the neighbouring dwelling to the north, the revised proposal submitted provides 1.8m high frosted glass screens atop the first floor balconies' side walls. I am satisfied that these privacy screens would prevent overlooking of the neighbouring dwelling to the north. The appellants assertions that these may become broken or removed could be dealt with by way of enforcement proceedings if required. Given that there are no window opes on the northern side elevation of the proposal, no further overlooking issue arise at this location.
- 7.3.3. A separation distance of c. 21-22m would be maintained between the rear (eastern) first elevations of the proposed development (or 19-21m from the first floor rear balcony rails) and the oblique south-westerly facing rear elevation of the closest neighbouring dwelling to the east, No. 10 Westbrook Heights. Given the said elevations are not facing directly opposite, it is considered that the proposal generally accords with the requirements of Objective DMS28 of the Development Plan which requires that a minimum separation distance of 22m is provided between rear opposing first floor windows.
- 7.3.4. A separation distance of c. 7.5-8.5 m would be maintained between the first floor east facing balcony rails of the proposed development and the eastern boundary of the site, shared with a neighbouring single storey dwelling to the east. The proposed development details the provision of a 2.4m high timber panel and the planting of c. 32 no. 4-4.5m high trees and bamboo along the eastern boundary of the site to provide screening and prevent overlooking of the neighbouring dwelling to the east. The

Planning Authority in its assessment considered the proposed tree planting, along with the replacement of the proposed timber panel fence with a weld mesh black fencing would be more visually acceptable and prevent overlooking and the blocking of sunlight to the rear garden of the neighbouring dwelling to the east. Given the proposed tree planting is located on communal amenity space on an estate which the Planning Authority has indicated will be taken in charge and having regard to the terms of Condition No. 7 imposed by the Planning Authority with regards landscaping, it is my view that the screening measures proposed would minimise overlooking of the gardens of neighbouring dwellings to the east, in accordance with Objective PM65.

7.3.5. With regard overshadowing, having regard to a) the north-west / south-east orientation of the proposed development, b) the building lines and 10.8m first floor depth of the proposal, c) its pitched roof profile and ridge height of 9.76m and d) its 1.2m separation distance from the northern boundary, it is my view the proposed development would not adversely impact the residential amenity of the neighbouring dwelling to the north by way of overshadowing and that a daylight / sunlight analysis is not warranted in this instance. The issue of overshadowing of dwellings located directly opposite along Hampton Garden Drive and loss of daylight / sunlight onto the street is addressed in Section 7.2 above. On this basis, I recommend that the appeal should not be upheld in relations to these grounds of appeal.

7.4. Boundary Treatment

7.4.1. The appellants object to the proposed development on the grounds that the boundary treatment between the subject site and the neighbouring property to the north, No. 23 Hampton Gardens Drive is poorly conceived and cannot be constructed in accordance with the landscaping plans submitted. The appellants put forward that the Boundary Treatment Plan & Boundary Details (Dwg. No. 103), submitted by way of Further Information, indicates that an "existing boundary wall" is to be retained along the northern boundary, whereas in reality there is no continuous wall along this boundary. The appellants submit a photograph showing a timber panel fence along the northern boundary of the site and put forward that this fence would not provide a suitable separation between the proposed development and the existing adjacent garden, which is now in poor condition due to the presence of spoil heaps on the subject site that bear up against the fence. The appellants also express concern that the location

of communal amenity space within the proposed development, extending up to its northern boundary with no. 23 Hampton Gardens Drive, has the potential to prejudice the adjoining dwelling's residential amenity by constituting a source of noise, litter, and disturbance.

- 7.4.2. In response to the grounds of appeal, the applicant asserts that the proposed development will not give rise to any threat to the existing boundary with No. 23 Hampton Gardens Drive and will ensure that the boundary is maintained on both sides, as opposed to the current situation whereby the boundary is only maintained on one side and untended on the southern side. Given that the proposal will respect and retain the existing northern side boundary timber fence, I am satisfied that the proposal accords with Objective DMS39 of the Development Plan. Having regard to the configuration of the communal amenity space which comprises a walkway with seating at intervals, and its gated access which the applicant states will be accessible only to residents of the development, it is my view that the proposal would not give rise to a significant source of noise, litter or disturbance, as put forward by the appellants. On this basis, I recommend that the appeal should not be upheld in relation to these grounds of appeal.

7.5. Construction Management

- 7.5.1. The appellants object to the proposed development on the grounds of inadequate construction management provisions within the Construction and Demolition Waste Management Plan (CDWMP) submitted with regards construction traffic and parking, drainage implications and the absence of a method statement addressing asbestos-containing materials, bats and invasive species. With regards construction traffic and parking, the appellants object on the grounds that that the primary means of access/egress to the site will be via Hampton Gardens Drive from the Castlemill Link Road, as there is no direct vehicular access to the site from the Clonard Road. The appellants express concerns that this would require all construction traffic to travel the full length of the existing residential street, presenting a hazard to pedestrians and children playing along the street. The appellants put forward that the site has a roadside boundary of c. 24m along the Clonard Road, which would provide more suitable access for construction traffic. Furthermore, the appellants object on the grounds that the Construction and Demolition Waste Management Plan (CDWMP)

submitted details there will be no on-site parking for either site operatives or visitors to the site and that no day or night time parking of vehicles will be permitted outside of agreed areas. While noting Condition No. 13 of the Planning Authority's decision to grant permission, the appellants express uncertainty as to how and where adequate off-carriageway parking facilities for all traffic associated with the permitted development, including delivery and service vehicles/trucks are to be provided. The appellants highlight the statement in the CDWMP that the use of existing local public transport links will be encouraged, and contest that given the distance of the site from Balbriggan railway station and the nearest bus stop, it is inevitable that some construction personnel associated with the proposed development would seek to drive to the site, particularly if they needed to transport tools or equipment. With regards drainage implications, the appellants object to the proposal on the grounds that proposed drainage works will require the opening of the street along a length of approx. 75m for the laying of new pipes and making new connections to existing ones. The appellants express concern that this will obstruct access to at least 11 houses along the western side of Hampton Gardens Drive (nos. 12 to 22). The appellants also identify that the CDWMP submitted does not include a) a method statement for the identification and safe disposal of asbestos-containing materials within the existing structure to be demolished, b) provisions for identifying bat feeding or roosting onsite, and/or the relocation of bats if present and c) a method statement for the identification and safe disposal of invasive species (e.g. Japanese knotweed) that may be present on the site.

- 7.5.2. The preliminary Construction and Demolition Waste Management Plan submitted details that the primary means of all access and egress to the site will be via Hampton Gardens Drive from the Castlemill Link Road to the west of the site, as there is no direct access to the site. The Plan details that where necessary, road opening licence applications will be submitted for approval by Fingal County Council and that traffic management plans will be put in place for the construction of new entrances and service connections as part of the road opening licences applications. The Plan details that access routes to and from the site, delivery times and off-loading proposals will be formally agreed with the Local Authority. Details are provided within the plan including (inter alia) vehicle movement and deliveries, delivery systems, site security and storage, road restrictions, road safety and waste management. I note that the

Planning Authority raised no objections to the preliminary Construction and Demolition Waste Management Plan submitted and in its notification of decision to grant permission imposed Condition No. 10 requiring that prior to commencement of development, a detailed final construction and demolition waste management plan shall be submitted to and agreed in writing with the Planning Authority. I am satisfied that the terms of this Condition would ensure compliance with the Council's road safety standards and would be in accordance with Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. Details within this plan should address potential hazardous waste including asbestos, which are covered by regulations outside the planning code. Nonetheless, in order to allay the concerns of the appellants I consider it appropriate that in the event of a grant of permission, a Condition should be imposed requiring that a detailed construction traffic management plan be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan should include details of arrangements for routes of construction traffic, parking during the construction phase, the location of the compound for the storage of plant and machinery and the location for storage of deliveries to the site. Given the dense overgrown vegetation on the site, I consider it appropriate that a Condition be imposed requiring that prior to commencement of development, the developer to submit for the written agreement of the Planning Authority an invasive species management plan for the control or disturbance to soils containing Japanese Knotweed in accordance with 'Irish Water Information and Guidance Document on Japanese Knotweed'. This plan should include a method statement for the removal of invasive species identified as being present on site. While there is no evidence on file to demonstrate the presence of bats on site, given the derelict building and dense vegetation on site I consider it appropriate that in the event of a grant of permission a condition be imposed requiring detailed measures in relation to the protection of bats to be submitted to and agreed in writing with the planning authority, prior to commencement of development. On this basis, I recommend that the appeal should not be upheld in relations to these grounds of appeal.

7.6. Public Open Space

- 7.6.1. The appellants object to the proposed development on the grounds that it does not comply with the requirements of Objectives DMS57, DMS57A, DMS57B and Table 12.5 of the Fingal Development Plan 2017-2023 with regards open space provision. The appellants contend that given the site has an area of 2260 sq.m. and the proposed development would have an occupancy rate of 30 persons, the proposed development would require 0.075ha of public open space (some of which may be offset by contributions, at the Council's discretion), of which a minimum of 0.023ha (226 sq.m.) must be provided in the form of a pocket park and cannot be compensated with the provisions of development contributions. The appellants note Condition No. 12 of the Council's grant of permission requiring the developer to pay €44,020 in lieu of 0.075 ha of public open space and submit that the Council has thereby misinterpreted or misapplied Objectives DMS57, DMS57A, DMS578 and Table 12.5 and of the Development Plan. The appellants contend that the proposed development contravenes these objectives, and no valid reason has been given for permitting such contravention. The applicant contests these grounds of appeal, as detailed in Section 6.2.6 above.
- 7.6.2. The Planning Authority in its assessment of the original proposal submitted (i.e. 22 no. apartments comprising 11 no. 1-bedroom units and 11 no. 2-bedroom units) considered that in accordance with Objective DMS57 of the Development Plan the proposal would have an overall occupancy of 33 no. bed spaces (i.e. 22 x 1.5) and a total public open space requirement of 825 sq.m. / 0.0825 ha (i.e. 33 no. bedspaces x 25 sq.m.), which would be divided on a Class 1: 75% (618.75 sq.m. / Class 2: 25% (206.25 sq.m.) basis. The Planning Authority acknowledge the applicants indication that the existing pocket park to the north serving Hampton Gardens (i.e. 0.345 ha) would serve the proposed development, which is located within the applicant's landholding as outlined in blue. The Planning Authority consider that given the subject site entails the infilling of an area of undeveloped land within Hampton Gardens, that this approach is acceptable and allows for the sustainable development of a finite resource, that being zoned serviced land within an urban area.
- 7.6.3. With regards the area of communal amenity space (660 sq.m.) to the rear / east of the proposed development, the Planning Authority accept the applicant's case that that

this area of open space is to be provided as an additional amenity for future residents and exceeds the quantum of communal open space required, having regard to the Apartment Guidelines. The Planning Authority consider this area of communal amenity space would be accessible to all and overlooked by each unit.

7.6.4. Objectives DMS57, DMS57A, DMS57B and Table 12.5 of the Fingal County Development Plan 2017-2023 are detailed in Section 5.1 above. Objective PM42 of the Development Plan requires that the 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities, issued by the then Minister for the Environment, Community and Local Government under Section 28 of the Planning and Development Act, 2000 (as amended) are required to be applied by the Planning Authority in carrying out its functions'. Appendix 1 of the Design Standards for New Apartments sets out minimum areas for communal amenity space and requires 5 sq.m. for one bedroom apartments and 7 sq.m. for two bedroom (4 person) apartments. This yields a requirement 120 sq.m. communal amenity space. Given that the proposed development provides 660 sq.m. of communal amenity space (as detailed on Dwg No. Planning Authority 102), I am satisfied that the quantum of communal amenity space provided complies with the requirements of Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2020) and Objective PM42 of the Development Plan. The layout and design of this area of private amenity space is accessible, well overlooked and secure, providing privacy strips along adjoining ground floor apartment patios and acceptable landscaping treatment along the eastern boundary of the site.

7.6.5. For the purposes of calculating public open space requirements, the Development Plan requires that 'for all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population'. Thereby, a minimum standard of 25 sq.m. of public open space is required per person. Objective DMS57 requires an occupancy rate of 1.5 persons in the case of dwellings with two or fewer bedrooms. The proposed development, therefore, provides an occupancy rate of 30 persons. i.e. 20 no. units x 1.5 persons. On this basis, 750 sq.m. public open space is required (i.e. 30 persons x 25 sq.m. of public open space per person). Objective DMS57A requires that 'a minimum 10% of a proposed development site area be designated for use as public open space. Given that the stated area of the site is 0.2 ha, a minimum 0.02ha (200 sq.m.) public open

space is required. Table 12.5 of the Development Plan refers to Open Space Hierarchy and Accessibility and requires that for all areas of between 500 sq m – 0.2 hectares, the provision of a Pocket Park (Class 2 as per Development Contribution Scheme) facility for smaller children, but not necessarily formal play facilities. A note pertaining to this requirement states ‘no contributions in lieu’. Notwithstanding this note, it is my view that having regard to (i) the 660 sq.m. communal amenity space provided for the proposed development, well in excess of the 120 sq.m. standard required under the Design Standards for New Apartments (2020) (ii) the location of the proposed development c. 88m from an existing large area of public open space (0.4 Ha) along the northern fringe of the Hampton Gardens estate, and (iii) given the context, location and infill nature of the subject site, I consider the Planning Authority correctly used their discretion to apply a financial contribution in lieu of public open space provision, as required under Condition No. 12 of its grant of permission. Such provision enables better use of a derelict site with the provision of higher density infill housing in accordance with National Policy Objective 35 of the National Planning Framework.

7.7. Enforcement Issues

7.7.1. The appellants object to the proposed development on the grounds that the existing Hampton Gardens estate has not been finished fully in accordance with its planning permission P.A. Ref. F14A/0381. Non-completion issues raised include the following:

- The 3 no. pedestrian/cyclist access points along the southern boundary (on Clonard Road) are incomplete.
- The open space along the northern section of the estate has not been adequately levelled and landscaped, and the children's play area within this green space has not been constructed.
- Footpaths have been not constructed connecting Hampton Gardens to the neighbouring Moylaragh and Westbrook estates.
- Street name signage has not been erected.

7.7.2. The appellants provided further details on contact made with the Planning Authority, the developers of the subject site and overall landholding, and subsequent planning applications made. The appellants express concern that the development, if permitted,

would remain unfinished in a similar manner. The applicant contests these grounds of appeal, as detailed in Section 6.2.7 above.

- 7.7.3. I acknowledge the issues raised by the appellants with regards alleged unauthorised development and non-compliance with Conditions of planning permission on the overall site of Hampstead Gardens. Notwithstanding this, I consider that any unauthorised development at the subject site and landholding as outlined in blue should be dealt with by enforcement proceedings, which is a function of the Local Authority. Nonetheless, in order to address the appellants concerns within the remit of the subject appeal and to ensure pedestrian permeability and connectivity, I consider it appropriate that in the event of a grant of permission a Condition be imposed requiring the pedestrian access point from the Clonard Road to Hampton Gardens Drive be completed and open to public use prior to the commencement of development.

7.8. **Appropriate Assessment**

- 7.9. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced settlement, and having regard to its separation distance from any European site, 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 no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

Having regard to the provisions of the Fingal County Development Plan 2017-2023, the planning history and the zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area, would not be prejudicial

to public health 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 01st day of February 2021 and the 19th day of February 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(i) Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority a revised car parking layout detailing the following:</p> <ul style="list-style-type: none"> a. The provision of in-curtilage parking comprising 20 no. car parking spaces, comprising banks of 2 spaces, with pedestrian access points between each bank to the public footpath. b. The continuation of the verge / footpath along the western boundary of the car parking area. <p>(ii) The footpath and kerb shall be dished at the developer's expense.</p> <p>(iii) All underground or overhead services and poles shall be relocated, as may be necessary, to suitable locations at the developer's expense.</p> <p>(iv) All stormwater shall be disposed of into soakpits or drains within the site and shall not discharge onto the public road.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>

3.	<p>The pedestrian access point from the Clonard Road to Hampton Gardens Drive shall be completed and open to public use prior to the commencement of development.</p> <p>Reason: In the interest of pedestrian permeability.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling units shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Roof colours shall be blue-black or dark grey only, including ridge tiles.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>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.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority proposals for site boundary treatments. Details to be submitted shall include the following:</p> <ul style="list-style-type: none"> (i) The proposed timber panel fencing along the eastern boundary shall be replaced with weld mesh fencing, black in colour. (ii) The provision of a 1.8m high stone wall along the southern boundary, adjoining the bin and cycle store. <p>Reason: In the interest of visual amenity.</p>
8.	<p>The landscaping scheme shown on drg no. 103, as submitted to the planning authority on the 1st day of February, 2021 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or</p>

	<p>diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], 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>
9.	<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 development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

	<p>(j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
11.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p>

	Reason: In the interests of amenity and public safety.
13.	Proposals for a dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all dwelling numbers, shall be provided in accordance with the agreed scheme. Reason: In the interest of urban legibility.
14.	Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority a detailed scheme for the eradication and/or control of Japanese Knotweed on the site. The agreed scheme shall be implemented prior to the commencement of any development. Reason: To avoid the spread of a problematic invasive alien species.
15.	Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Reason: In the interest of wildlife protection.
16.	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.
17.	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

	<p>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>
18.	<p>The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.</p> <p>Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.</p>
19.	<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>

	Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.
20.	The developer shall pay €44,020 in lieu of 0.075ha of public open space. Reason: In the interest of the proper planning and sustainable development of the area.
21.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Brendan Coyne
Planning Inspector

01st September 2021