



An  
Bord  
Pleanála

## Inspector's Report ABP-311266-21

<b>Development</b>	Demolition of a single storey house and the construction of a four storey apartment block comprising 4 apartments.
<b>Location</b>	No. 5, Gasyard Lane, Malahide, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F21A/0131
<b>Applicant(s)</b>	Kevin O'Donoghue.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kevin O'Donoghue.
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	23 <sup>rd</sup> September 2022.
<b>Inspector</b>	Elaine Sullivan



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## **1.0 Site Location and Description**

- 1.1. The subject site is located on a narrow access laneway on the corner of Strand Court and Strand Road directly to the north of Malahide village. It has a stated area of 0.0245ha and currently comprises a single storey cottage which is set back from the public carriageway by circa 5m. The front boundary of the site is defined by a low-level stone wall and there is a concrete apron to the side and rear of the cottage. On the occasion of the site inspection four cars were parked in the area around the cottage: three to the front and one to the side.
- 1.2. The site is surrounded by residential development on all sides. Adjoining the site to the north is the Strand apartment development. To the west, the apartments to the rear of Bisset's Loft flank the site. Directly to the south is a row of single storey cottages facing onto Strand Court and a two-storey dwelling forms the north-western corner of Strand Court and Gas Yard Lane. On the opposite side of the lane the site faces onto apartments that form part of The Green mixed-use development.

## **2.0 Proposed Development**

- 2.1. The proposed development includes the demolition of a single storey cottage and the construction of a 4-storey apartment building comprising four apartments, (2 x 2 bedroom apartments and 2 x 1 bedroom apartments).
- 2.2. Two, one-bed units of 49.2 and 51.9m<sup>2</sup> respectively, would be provided at ground floor level with terraces of 10.5m<sup>2</sup> to the rear.
- 2.3. A two-bed apartment of 77m<sup>2</sup> would be provided at first floor level and would have an east facing balcony of 12.7m<sup>2</sup>. A two-bed duplex of 91m<sup>2</sup> unit would be provided on the upper two levels and would have an east facing balcony of 12.7m<sup>2</sup> at second floor level.
- 2.4. The front elevation of the building would be set back from the public footpath by 6.6m and the front elevation would be stepped back on all levels. The width of the top floor would also be set back from the side elevations of the building.
- 2.5. Parking for one car is shown to the front of the site and secure parking for 8 bicycles would also be provided.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority, (PA), refused permission for the following reasons:

1. The proposed development by reason of the overall design, height and scale and dominant metal clad upper floor would be intrusive on the visual amenities and would be unduly overbearing upon the streetscape when considered in the context of the site. The proposed development would present as an incongruous feature within the streetscape and would contravene Objective PM44 and Objective DMS39 of the Fingal Development Plan 2017-2023, each of which seek to ensure that underutilised sites are developed sensitively and would contravene the TC Zoning Objective which seeks to *'protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'*. The proposed development would set an inappropriate precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.
2. The development by virtue of the substandard internal amenity for future residents, insufficient car parking provision and absence of pedestrian facilities, would represent overdevelopment of a constrained site which would contravene Objective PM41 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development, by virtue of inadequate sightlines from the proposed vehicular access, would endanger public safety by reason of traffic hazard.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The decision of the PA was informed by two reports from the Planning Officer, (PO). The first report dated the 29<sup>th</sup> April 2021 requested further information and the report dated the 28<sup>th</sup> July 2021 assessed the information submitted and recommended that the development be refused.

The first report included the following:

- The demolition of the existing cottage is acceptable.
- A replacement scheme with a higher density would be consistent with the character of the lane.
- However, the site is constrained which results in a deficit of car parking, lack of communal space and comprehensive bicycle scheme and the absence of a footpath to the front.
- The proposed car parking layout would result in a traffic hazard.
- The development would not be readily visible from Strand Street to the south.
- The stepped back height is welcomed. However, the cumulative effect of the top two floors being of the same width, along with the added bulk of the metal privacy screens creates a disproportion to the height.
- Consideration should be given to the uniformity of the existing heights on the laneway.
- The removal of the balcony screens and better integration with the public realm to provide a footpath should be considered.
- The development would not give rise to undue overshadowing of adjoining property. No overlooking would occur from the rear elevation to the balconies to the west.
- As no public space will be provided in the development, the applicant will be required to provide a financial contribution in accordance with Section 48 of the Planning and Development Act 2000.
- Further information is requested with regard to four points which relate to the amenity of the units proposed, the design and layout of the scheme and revisions to the access and layout of parking spaces.

The second report of the PO dated the 28<sup>th</sup> July 2021 assessed the submission made in response to the FI request, which included the following,

- An alternative parking arrangement to the front which allows for just one parking space and a footpath to the front,
- The provision of 8 secure bicycle spaces to the rear of the site,
- Removal of metal balcony screens and replacement with railings and glazing.
- Reduction in balcony depth and width of the upper two floors and alterations to the external appearance.
- The PO found that the revised design would fail to integrate appropriately within the established context. Furthermore, the constrained internal layout, substandard parking provision and lack of pedestrian footpath would represent an overdevelopment of the site.

### 3.2.2. Other Technical Reports

- Parks and Green Infrastructure Division – The report dated the 31<sup>st</sup> March 2021 recommends planning conditions to be attached to any grant of permission.
- Water Services Department - The report dated the 24<sup>th</sup> March 2021 recommends planning conditions to be attached to any grant of permission.
- Transportation Planning Department – The report of the TPD dated the 21<sup>st</sup> April 2021 noted that the subject site is located within a 50kmph speed limit and that the proposal has a deficit of two car parking spaces. The proposed car parking layout would result in a traffic hazard and a footpath that ties into the neighbouring development should be provided. Further information is recommended. The second report dated the 30<sup>th</sup> July 2021 states that the information provided is not acceptable to the TPD. Two independent studies showed that there is a parking deficit in Malahide. Overspill from the development would exacerbate this situation. Sightlines are inadequate on the lane and a speed survey was not carried out.

### 3.3. Prescribed Bodies

- Irish Water – No objection.

### 3.4. Third Party Observations

- No third-party observations were received.

## 4.0 Planning History

On the subject site and in combination with the adjoining site to the north -

**F09A/0205** – Planning permission granted by the PA on the 12<sup>th</sup> June 2009 for a four storey development over basement car park, comprising a medical practice and pharmacy at ground floor, medical care facility at first floor level, offices at second floor level with 4 no. apartments above.

On the adjoining site to the north –

**F16A/0583** – planning permission granted by the PA on the 25<sup>th</sup> August 2017 for the development of a 4 storey over-basement building consisting of 22 residential units with a basement car park containing 21 car spaces and 34 bicycle spaces.

## 5.0 Policy Context

### 5.1. Development Plan

The Fingal County Development Plan 2017 – 2023, (FCDP), is the operative Development Plan for the site.

The following sections of the Development Plan are relevant to the proposal:

#### **Zoning -**

The site is zoned TC – Town Centre, the objective of which is to Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.



### **Chapter 3 – Placemaking**

- Objective PM44 - Encourage and promote the development of underutilised infill, corner and backland sites in existing residential areas subject to the character of the area and environment being protected.

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

#### **Apartment Developments;**

- Table 12.2 – Sets out the standards for Minimum GFA, Aggregate Living and Bedroom areas and storage area per unit type.
- Table 12.3 – Sets out the minimum room sizes and widths for houses and apartments.
- Table 12.6 – Sets out the private and amenity space requirements for Apartment and Duplex units.
- Table 12.8 – Car parking standards for apartments, (1 space per 1 bedroom apartment & 1.5 spaces per 2 bedroom apartment).
- 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 DMS40 - New corner site development shall have regard to:
  - Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
  - Impact on the amenities of neighbouring residents.
  - The existing building line and respond to the roof profile of adjoining dwellings.
  - The character of adjacent dwellings and create a sense of harmony.
  - The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
  - Side/gable and rear access/maintenance space.
  - Level of visual harmony, including external finishes and colours.

### **Public Open Space:**

- Objective DMS57B - Require a minimum 10% of a proposed development site area be designated for use as public open space.... 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.

## **5.2. National Guidance**

### **5.2.1. Project Ireland 2040 - National Planning Framework (NPF)**

- The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside.
- **NPO 35** seeks to increase densities 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.

### **5.2.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. (DHPLG 2020).**

- These guidelines provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.
- Car parking – In Central and/or Accessible Locations that are well served by public transport, the default policy is for car parking to be minimised, substantially reduced or wholly eliminated in certain circumstances. These locations are most likely to be in cities, within 15 minutes walking distance of city centres or employment locations and includes within 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency bus services.
- SPPR3 – Sets out the standards for minimum apartment floor areas.

- SPPR5 – Specifies floor to ceiling heights.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.

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

- 5.2.4. The guidelines make a number of references to outer suburban locations and infill developments. Height restrictions are to be discouraged and a general accommodation of medium density format of developments comprising town houses, duplexes and apartments at heights of 4 storeys and upwards is promoted.

### 5.2.5. **Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.**

The guidelines and accompanying Best Practice Guide set out 12 criteria under which design proposals should be assessed. The Best Practice Guide states that in smaller infill developments, the mix of housing should ensure that taken with the existing homes, the overall mix in the neighbourhood is conducive to maintaining a healthy balanced community.

## 5.3. **Natural Heritage Designations**

- 5.3.1. No designations apply to the subject site.

## 5.4. **EIA Screening**

- 5.4.1. Having regard to the nature and scale of the proposed development, comprising the construction an apartment development of four residential units on an infill site in a serviced urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

The grounds of appeal include the following:

- The proposed building is in accordance with the TC zoning for the site and has been arranged to a height, scale and design aesthetic which benefits the evolving landscape of the immediate area.
- The development will provide a high standard of accommodation and residential amenity for future residents.
- A revised design has been prepared.
- The proposed development is for a four-storey apartment development. The site is bound to the north, (Strand Apartments), and west by four storey apartment developments and is directly opposite a four-storey apartment development to the east on Gas Yard Lane.
- Whilst the site is bounded to the south by two storey development, this development fronts onto Strand Street and is already bounded to the north by larger scale developments.
- The proposed height is consistent with the prevailing pattern of development and the palette of finishes brings visual interest.
- Multiple set-backs on the front façade breaks up the massing of the building.
- Gas Yard Lane has a variety of different building types, and the proposed development would not be out of keeping with the variable streetscape.
- A revised proposal has been prepared for the appeal which has reduced the width of the upper floors to further reduce the massing of the building.
- The proposal would provide a high level of residential amenity for future residents within a legible internal and external layout.
- In order to provide a bicycle parking area, the kitchen to Unit A1 has been reduced but is still compliant with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines.

- Bedrooms in Units A1 and A2 are also compliant with the Guidelines, (FCC raised queries regarding the floor area).
- Insufficient car parking and absence of pedestrian facilities – the site is close to public transport which includes Dublin Bus routes and Malahide DART station. Gas Yard Lane is a single lane carriageway which necessitates slow speeds. The existing development on the site facilitates 3 car parking spaces. The applicant considers that the undertaking of a speed survey in place of sightline compliance to be an unnecessary undertaking upon practical review of the traffic environment.
- One car parking space would be provided by the development with an enveloped footpath to the immediate west. This facilitates some planning gain for the streetscape while providing a parking space for commercial reasons.
- The applicant has been in contact with car sharing companies who have expressed an interest in expanding into the area.
- The applicant would be amenable to a planning condition which requires the utilisation of car sharing facilities.

## 6.2. Planning Authority Response

A response from the PA was received on the 23<sup>rd</sup> September 2021 and includes the following;

- The proposed use of the site for a shared car parking space to be operated by GoCar / Yuko would be a commercial operation, would not be dedicated residential spaces and would not address the issues raised.
- The PA remains of the opinion that the proposed development is unacceptable and request that this decision is upheld.
- In the event that the appeal is successful, provision should be made for the applying a condition for Security, Open Space Shortfall and also for a financial contribution in accordance with the PA's Section 48 Development Contribution Scheme.

### 6.3. Observations

- No observations were received.

## 7.0 Assessment

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

- Principle of Development
- Design & Layout
- Residential Amenity
- Access & Car Parking
- Appropriate Assessment

### 7.2. Principle of Development

- 7.2.1. The subject site is a brownfield, infill site located within the urban settlement of Malahide, which is identified as a 'Moderate Sustainable Growth Town' in the Fingal Settlement Strategy. The site is zoned objective TC – Town and District Centre, within which residential use is permitted in principle.
- 7.2.2. National policy seeks to strengthen and consolidate existing urban settlements in order to promote sustainable development and supports the development of underutilised infill sites. I am satisfied that the proposed development is acceptable in principle. It is in accordance with local and national planning policy which seeks to provide an appropriate mix of uses within the urban settlement and to consolidate and to intensify the use of underutilised sites within urban areas.

### 7.3. Design & Layout

- 7.3.1. Concerns were raised by the PA regarding the appearance of the development in terms of its height, mass and appearance and its integration in the streetscape. The PA considered that the overall design of the building, in terms of height, scale and

dominant upper floors would be visually intrusive within the streetscape. In response to these comments, the grounds of appeal contained a revised proposal which included some minor changes to the external finishes and to the scale of the building. The appeal submission replaces the copper clad upper floor with a plain rendered finish with brick coursing along the top. This amendment also allows for a minor decrease in the width of the upper floor and allows for a more standard layout for the bedrooms at this level.

- 7.3.2. I am satisfied that the small infill development will integrate sufficiently within the varied streetscape and would not be unduly visually intrusive. Gas Yard Lane has been substantially developed with apartment developments which range in height from 2-4 storeys and are of different architectural styles. The subject proposal is contemporary in style with a mix of external finishes which include brick and render. This is an acceptable response to the context of the site, which is surrounded by modern developments. The front elevation of the building comprises set-backs at all levels which reduces the massing of the building facing onto the lane.
- 7.3.3. Directly to the north of the site is The Strand apartment development, which is a 4-storey development, with the top floor set back. The proposed development would be slightly higher than the three-storey section of the development which adjoins the site and as such does not present a uniform ridge height. However, I am satisfied that the infill site is of a small enough scale to prevent an overly dominant appearance within the streetscape, and in comparison to the adjoining building. In addition, the set-back levels sufficiently break up the massing of the proposal. I note that apartment developments further north along the lane are larger in scale and extend to four storeys with no set-back levels on the upper floors.
- 7.3.4. To the south of the site, the residential development facing onto Strand Court is of a smaller scale and includes single storey cottages and a two-storey building on the corner. These properties would be the most sensitive receptors in terms of overbearing impact from the proposal. The southern elevation of the proposed building faces onto the rear of these properties. This elevation would be set back from the site boundary by c. 0.8m to allow for side access to the bin store area and the bicycle parking area. The access stairs are also on this elevation, and this allows for a staggered elevation which extends to two storeys and is set back on the upper levels. The mix of external finishes would also reduce the visual impact of the

development when viewed from the properties on Strand Court. I am satisfied that the height and massing of the building when viewed from the properties to the south would not be overly intrusive by virtue of the mix of external materials and the staggered elevation. The proposed development would not be visible from Strand Court.

- 7.3.5. On balance, I do not consider the proposed height to be excessive for the site when compared to the prevailing building height of the new developments to the north and further along the lane. I am satisfied that the set-back levels to the laneway would successfully break up the massing to the lane and would reduce the visual impact of the proposal within the streetscape. The subject building is higher than the three-storey element of the adjoining building to the north. However, the reduced width of the upper level of the proposal provides a separation distance between both developments and the infill development creates its own identity in the streetscape. I note that the height of the proposal is lower than the ridge height of the Bisset's Loft development to the west.

#### **7.4. Residential Amenity**

- 7.4.1. In terms of amenity for future residents, all of the proposed apartments have generous floor to ceiling heights of 2.7m and 2.4 on the upper level, and either meet or exceed the minimum standards for floor areas, room size, and private open space. Dedicated storage space for the ground floor unit A2, is constrained and the inclusion of living room furniture is required to meet the minimum standard. However, the unit meets all the other criteria and has a private terrace that is in excess of the minimum requirement.
- 7.4.2. Overall, I am satisfied that all of the units would meet and exceed the minimum standards as set out in Appendix 1 of the Apartment Guidelines in terms of floor areas, room sizes and private amenity space.
- 7.4.3. The small-scale, infill nature of the development does not allow for the provision of public open space which is a requirement of the FCDP. In the response received from the PA it is requested that, *'in the event that the appeal is successful, a provision should be made for applying a condition for Security, Shortfall of Open Space and also a financial contribution in accordance with the Council's Section 48*



*Development Contribution Scheme*'. The report of the PO stated that there is a shortfall in the level of public open space proposed in the development and that an additional contribution is required towards continued upgrade of local Class 1 open space facilities in the area, which in this instance is Malahide Demense. However, the nature and scope of the specific works are not specified.

- 7.4.4. The Fingal County Council Development Contribution Scheme 2021-2025 is the operative development contribution scheme for the county and makes provision for the payment of a contribution, per square metre of development, towards individual classes of development, including community & parks facilities & amenities. Under Section 48 (2) (c) of the Planning and Development Act, *'A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development'*. In this instance, I do not consider that the proposed development would generate specific exceptional costs which are not already covered by the contribution scheme. Therefore, a contribution in addition to the standard development contribution is not warranted.
- 7.4.5. In terms of impact on existing residential amenity, the most sensitive receptors are the residential properties to the south and west of the site. There is an apartment development directly opposite the site with some balconies directly facing the site. I consider these units to be less sensitive given the exposed nature of the balconies.
- 7.4.6. Directly to the south of the site is a row of four single storey cottages and one two-storey property which face onto Strand Court. All of these properties have some amenity space to the rear which is separated from the southern boundary of the site by an access lane. The western boundary of the site is in close proximity to balconies adjoining apartments to the rear of the Bisset's Loft development.
- 7.4.7. The residential developments on Strand Court and Bisset's Loft would not be overlooked by the proposed development as there would be no windows on the rear and side elevations. The balconies proposed for the front of the development would be c. 10m from the opposing windows in the apartments on the opposite side of the lane. Whilst this separation distance is less than that recommended by the

Development Plan, it represents the prevailing pattern of development along the laneway and is acceptable within the urban context of the site.

- 7.4.8. Given the proximity of the amenity spaces for the existing residential development to the west and the south the impact of overshadowing should also be considered. A Shadow Analysis was submitted with the application and demonstrates the impact of the proposal on the nearby buildings in terms of overshadowing with the existing and proposed scenario demonstrated on the 20<sup>th</sup> March. The generated images show that the existing buildings, and most notably, the balconies to the rear of Bisset's Loft, and the spaces to the rear of the Strand Court houses would not result in any additional or undue overshadowing from the development. I am satisfied that given the existing pattern of development and the orientation of the site, that the subject proposal would not result in any undue overshadowing of the external amenity areas of the adjacent residential development.

## **7.5. Access and Car Parking**

- 7.5.1. The revised proposal submitted with the appeal reduces the car parking provision to just one parallel car parking space to the front of the building. This arrangement would allow for the provision of a footpath to the front of the site which would connect with the existing footpath.
- 7.5.2. The apartment guidelines recommend that in urban locations which are well served by public transport that a reduction in the level of car parking can be considered. The subject site is just 300m from Malahide train station and 270m to a number of bus stops along the R106, Main Street / Dublin Road. Within this context, I am satisfied that a reduction in the level of car parking for the infill development is acceptable. The PA did not support the proposal to make the parking space available to a car sharing scheme as they were of the opinion that it would not represent an amenity for future residents. I do not agree and consider the provision of a space for car sharing would be an amenity for all residents. It would also be a reasonable response to the location of the development, which does not necessitate full-time car ownership. It is also noted that the use of car sharing schemes is promoted by the Apartment Guidelines where there is restricted parking.

7.5.3. The PA also raised concerns about sightlines along the laneway and considered that the provision of more than one parking space to the front of the development would result in a traffic hazard by virtue of insufficient sightlines. Drawing No. 106, Swept Path Analysis and Entrance Sightlines (June 2021), demonstrates that a single car can manoeuvre safely into the space and that 23m sightline can be achieved in both directions along the laneway. I am satisfied that this is acceptable given the constrained nature of the laneway which necessitates low speeds.

## **7.6. Appropriate Assessment**

7.6.1. The subject site is not located within, or directly adjoining, a designated site. The closest European sites are:

- The Malahide Estuary SPA, Site Code 004025, and
- The Malahide Estuary SAC, Site Code 000205, both of which are c 107m to the west and c. 174m to the east of the site.

7.6.2. There is no direct or indirect surface water or groundwater connection from the subject site to the Malahide Estuary SPA and SAC. There is also no ground habitat connection between the site and the European sites. Therefore, there is no source-pathway-receptor connection between the subject site and the Malahide Estuary SPA and SAC.

7.6.3. The proposed development is minor in scale and is surrounded by urban development on all sides. Having regard to the nature and scale of the proposed development and the location from any designated sites, 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 the conservation objectives of any European site.

## **8.0 Recommendation**

8.1. I recommend that planning permission be granted for the development.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed mixed-use development within a Town Centre zoning objective, it is considered that the proposed development is in accordance with the provisions of the Fingal County Development Plan 2017 to 2023 and the Design Standards for New Apartments, 2020. It is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 on the 9th day of March 2021 and on the 13<sup>th</sup> day of July 2021 and by the further plans and particulars received by An Bord Pleanála on the 1<sup>st</sup> day of September 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

3.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
4.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
5.	<p>The developer shall engage with Irish Water prior to the commencement of development and shall comply with their requirements with regard to the proposed development.</p> <p><b>Reason:</b> In order to ensure a proper standard of development.</p>
6.	<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 and shall be agreed in writing prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p>

	<p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8.	<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><b>Reason:</b> In the interest of sustainable waste management</p>
9.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer’s expense on a daily basis.</p>

	<b>Reason:</b> To protect the residential amenities of property in the vicinity.
10.	<p>The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points.</p> <p><b>Reason:</b> In the interests of amenity and of pedestrian and traffic safety.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
12.	<p>The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.</p> <p><b>Reason:</b> To safeguard the residential amenities of adjacent dwellings.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
14.	<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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
15.	<p>Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p><b>Reason:</b> In the interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.</p>

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.Elaine Sullivan  
Planning Inspector

30<sup>th</sup> September 2022