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Howth
Co. Dublin
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17th January 2022

An Bord Pleanála
Marlborough St
Dublin 1

sent electronically

Re: application 312112: Station Road, Portmarnock, Townlands of Drumnigh, Maynetown and Portmarnock, Co. Dublin. (www.portmarnocksouthphase1d.com)

A chairde,

I refer to the above application and make the following observations:

1. The application appears not to provide for walking and cycling access to the existing bridge over the railway line dividing this area from the newly constructed Drumnigh Manor residential area. You will see from the attached documents from planning permission ABP 224401 (Fingal reference F14A/0132) the importance of this bridge as a link between adjacent residential areas and in providing a safe access route from Drumnigh Manor to the train station.

The delivery of this access should be required as part of the first stage of this permission.


2. I have been unable to find some of the documentation relating to the pre-planning discussions online. For example, An Bord Pleanála's file 310235 relating to this site refers to "a formal pre-planning consultation meeting took place with the Planning Authority in relation to the proposed development on the 11th March 2001" and what I assume is a letter, described as "the planning authority's Parks and Green Infrastructure Division dated 14th June 2021." Neither the minutes of the meeting nor the letter seem to have been made available to the public. There may be discussion relating to the bridge I refer to above in this documentation and if there is I would like an opportunity to consider and address it.
3. At the north-east of the overall Local Area Plan/ development area, the plan is to link the Baldoyle to Portmarnock Greenway to the cycleway on Station Road. Unfortunately the online documentation for permission ABP 300514 (Fingal reference SHD/002/17) is far from complete, but it appears from the Compliance Drawings and Maps put online by Fingal on 13th June 2018 that this link is part of that permission. I urge you to ensure that this link is

completed as it will provide a means for pedestrians from this development and the phases already built, travelling to the nearest primary school, St. Marnock's, to cross the road. I note from the map in the Planning Report and Statement of Consistency submitted in this application that there is a risk that this link could be considered to be in the last phase of this development. That would mean putting pedestrians at risk unnecessarily. Completion of this link, which is on land owned by this developer, in the initial phase of development should be a condition of this permission.

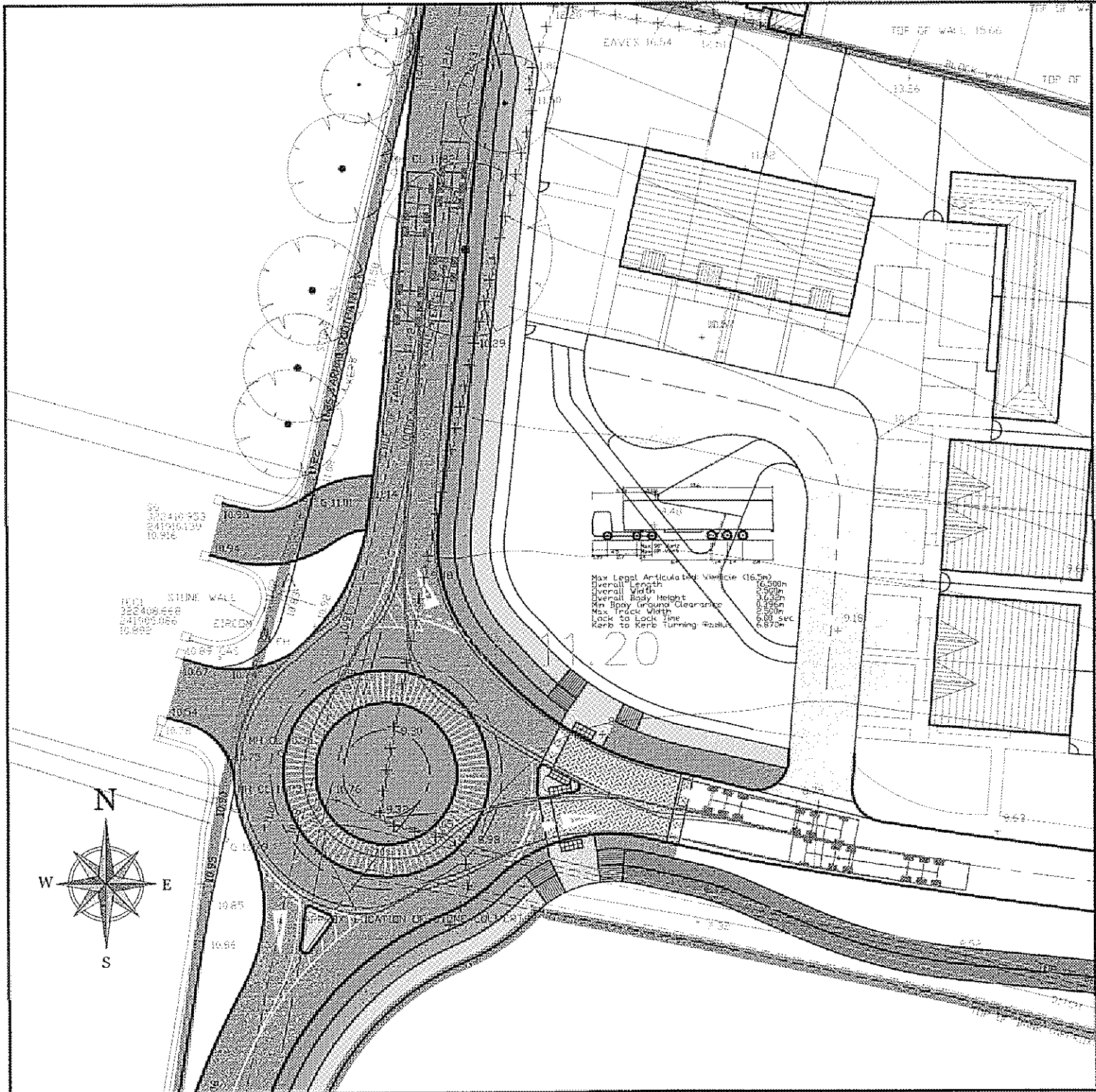
4. Additionally, I urge you to require that the details of the design for walking and cycling are in keeping with the National Cycle Manual and the Design Manual for Urban Roads and Streets. Some of the provision in the northern part of the development along Station road is not in compliance with these standards.

For some background on the road safety issues in this area, please see <https://davidhealy.com/?p=1389>

Best regards,

A handwritten signature in black ink that reads "David Healy". The signature is written in a cursive style with a large, looped 'D' and a trailing flourish at the end.

Cllr David Healy

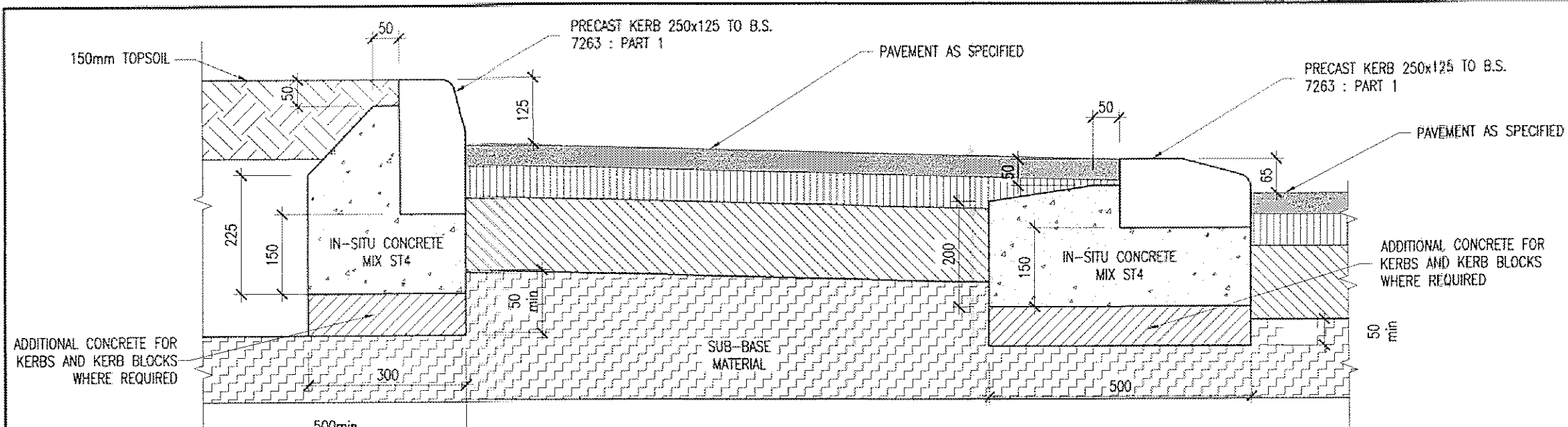


VEHICLE TRACKING DETAILS
(LEFT IN, RIGHT OUT) SCALE 1:500

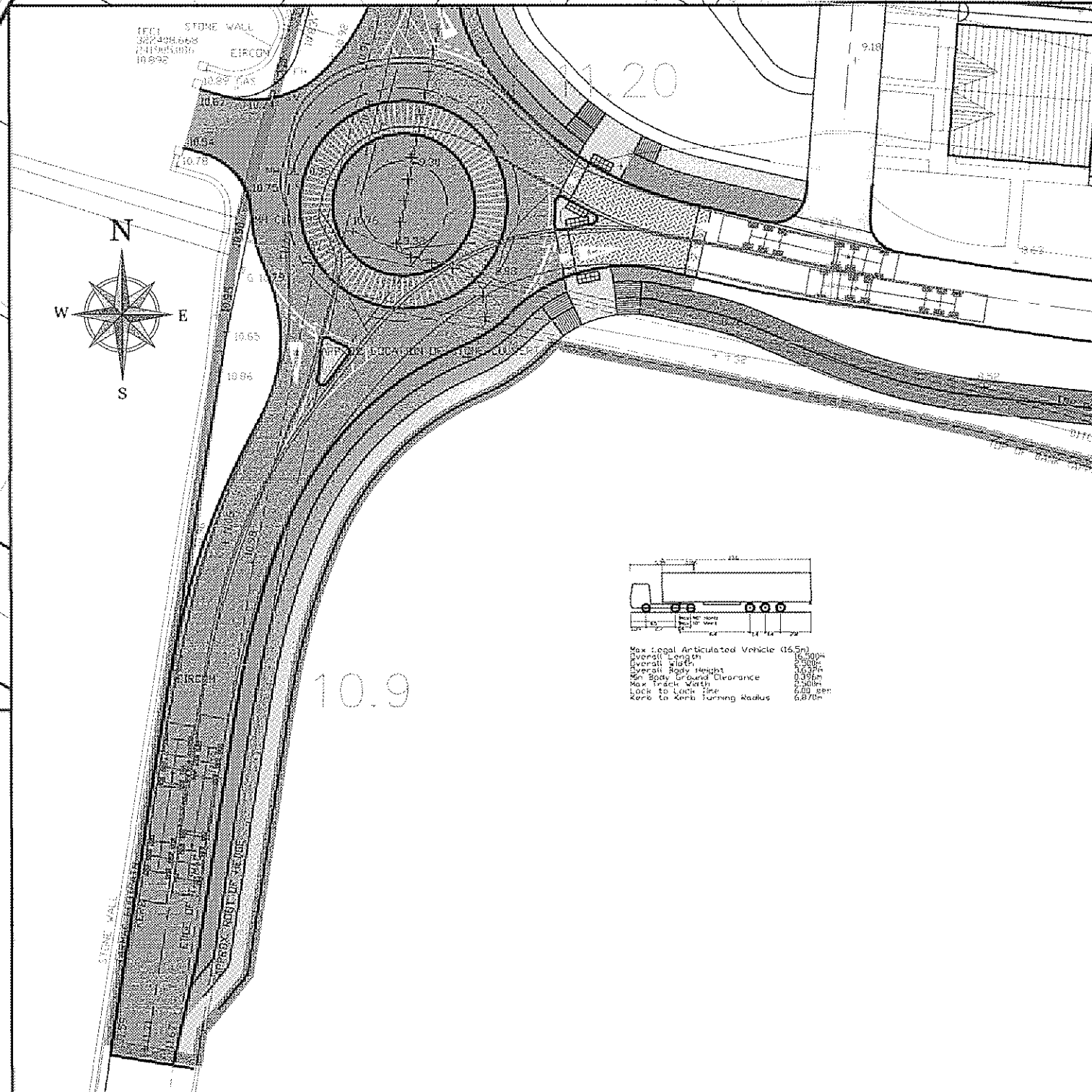
ACCESS FROM ROUNDABOUT
TO GAA GROUNDS

OVERRUN AREA

TIE INTO EXISTING. EXTENT
OF ROAD IMPROVEMENTS

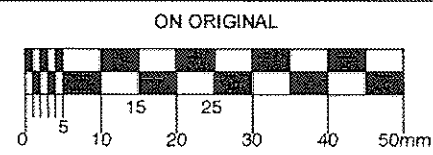


OVERRUN AREAS
SCALE 1:10



VEHICLE TRACKING DETAILS
(RIGHT IN, LEFT OUT) SCALE 1:500

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NOTES:

03-04-14 F14 A/ 0132
FINGAL C. C.PL. DEPT

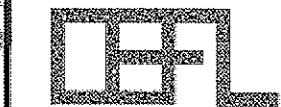
LEGEND

- ROADWAY
- CYCLETRACK
- FOOTPATH/CENTRAL MEDIAN
- VERGE/LANDSCAPING

REV	DATE	DESCRIPTION	BY	CHKD
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PLANNING

DESIGNED	DJR	PREPARED	DUG
DATE	MAR 2014	CHECKED	DJR



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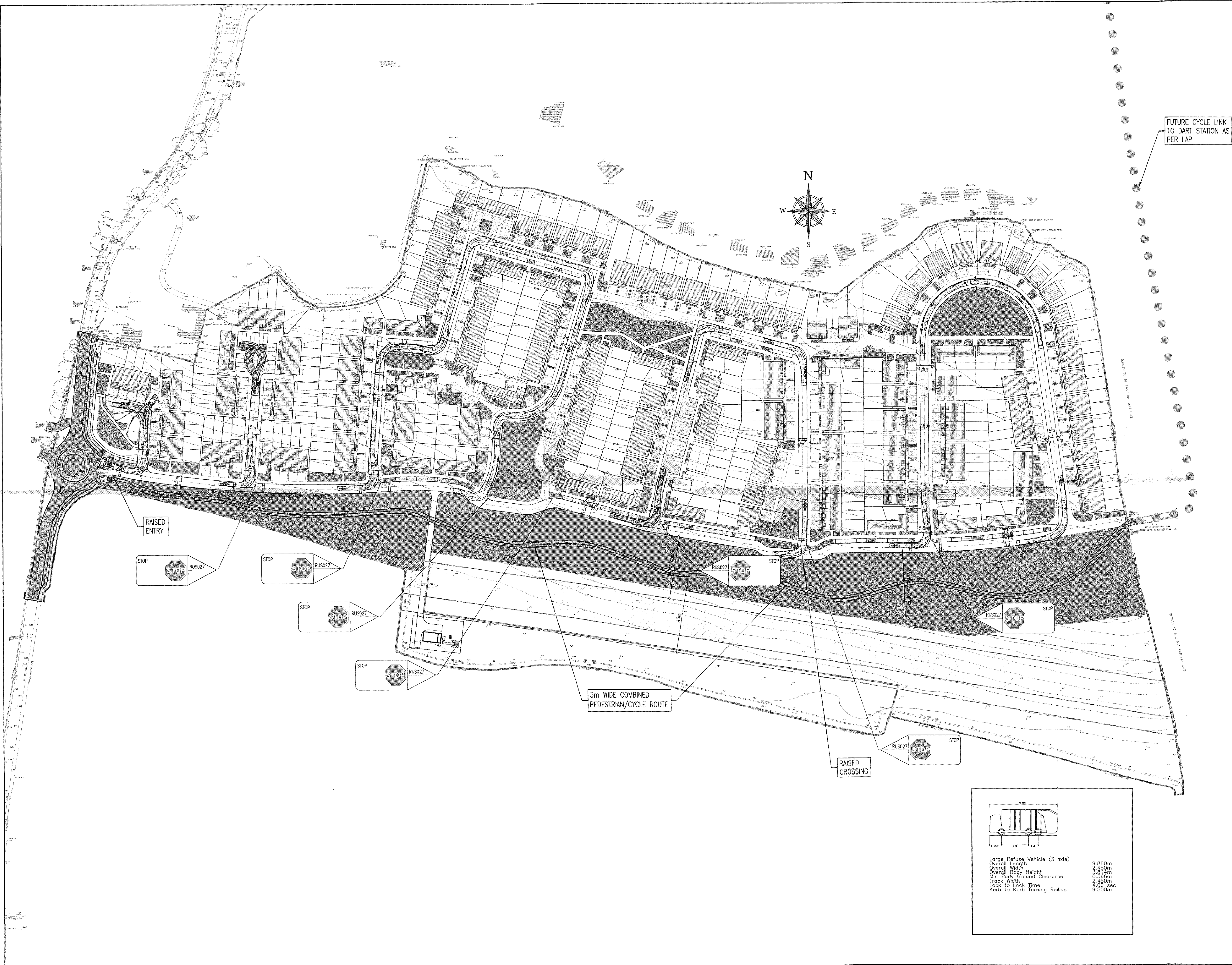
DBFL Consulting Engineers EMAIL: info@dbfl.ie SITE: www.dbfl.ie

PROJECT
DEVELOPMENT AT
DRUMNIGH ROAD, MALAHIDE

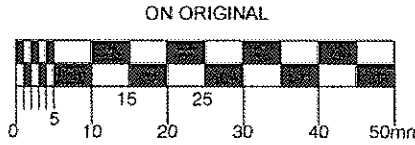
DRG. TITLE
ENTRANCE ROUNDABOUT
GENERAL ARRANGEMENT

ARCHITECT
McCROSSAN O'ROURKE
MANNING

SCALE 1:250 (A1) FILE REF. 062129-2100
DRG. NO. 062129-2100



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NOTES:

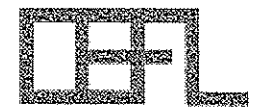
- LEGEND
- SHARED SURFACE/RAISED TABLE
 - GREEN AREA
 - ROADWAY
 - CYCLETRACK
 - FOOTPATH/CENTRAL MEDIAN
 - VERGE/LANDSCAPING

ORDNANCE SURVEY IRELAND LICENCE
No EN 0017914
© ORDNANCE SURVEY IRELAND
GOVERNMENT OF IRELAND

03-04-14 F14 A/ 0132
FINGAL C. C.P.L. DEPT

REV.	DATE	DESCRIPTION	BY	CHKD
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PLANNING				
DESIGNED	DJR	PREPARED	DJR	
DATE	MAR 2014	CHECKED	DJR	



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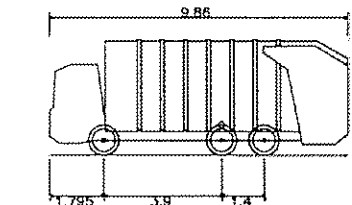
DBFL Consulting Engineers email: info@dbfl.ie site: www.dbfl.ie

PROJECT
DEVELOPMENT AT
DRUMNIGH ROAD, MALAHIDE

DRG. TITLE
ROADS LAYOUT

ARCHITECT
McCROSSAN O'ROURKE
MANNING

SCALE 1:1000 (A1) FILE REF. 052129-2101
DRG. NO. 062129-2101



Large Refuse Vehicle (3 axle)
Overall Length 9.860m
Overall Width 2.450m
Overall Body Height 3.614m
Min Body Ground Clearance 0.366m
Track Width 2.450m
Lock to Lock Time 2.00 sec
Kerb to Kerb Turning Radius 9.500m

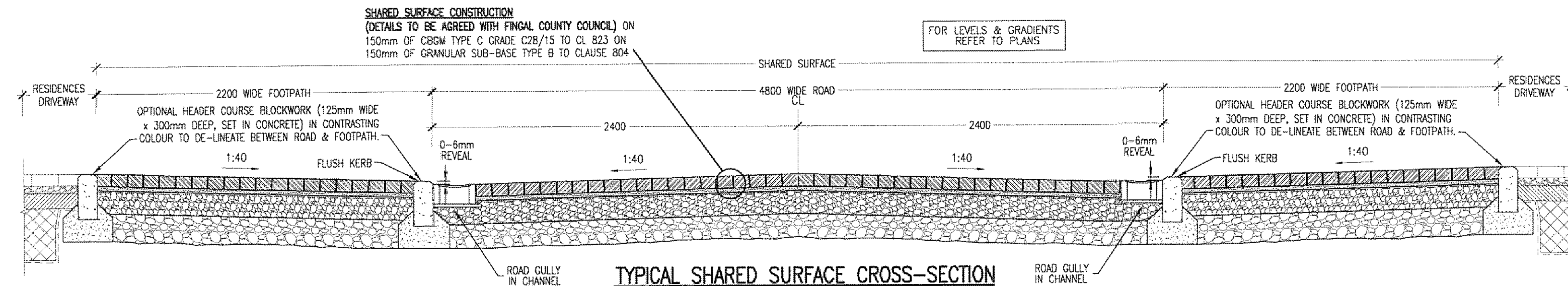


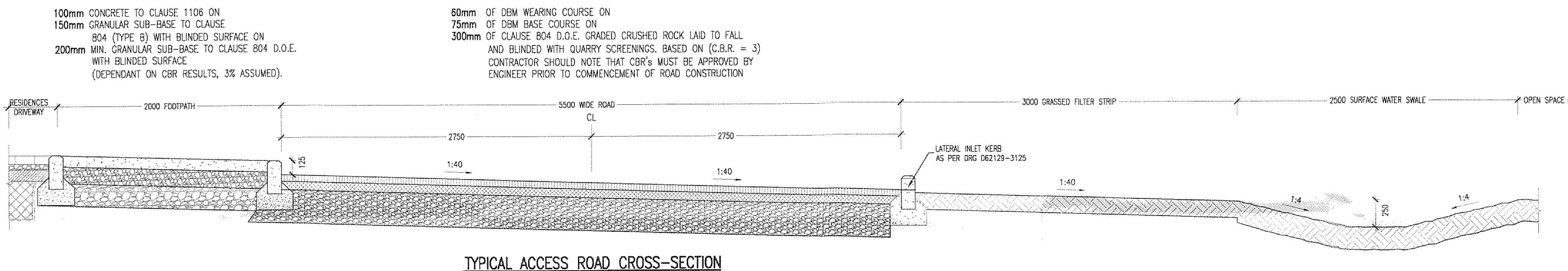
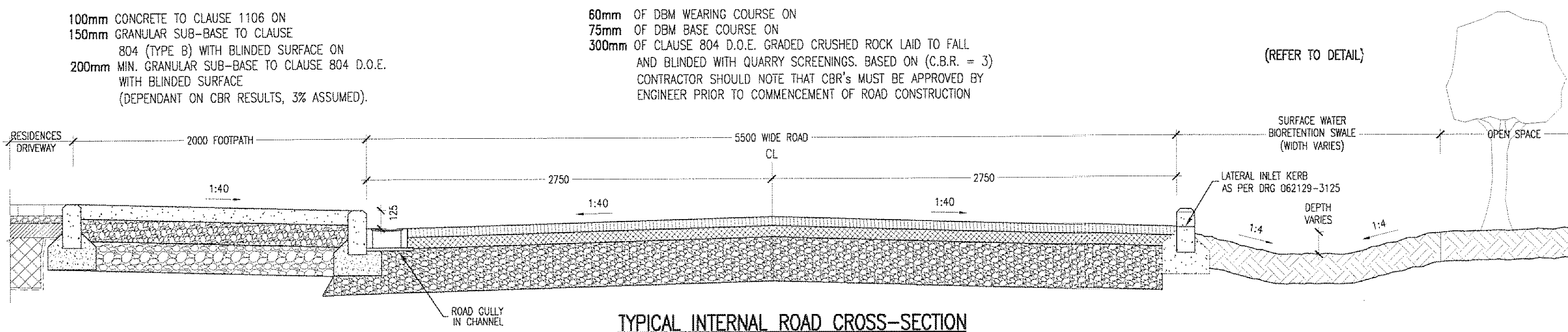
TABLE 1 CAPPING/STABILISATION DEPTHS		
CBR	ROADS	CARPARK
2%	400	300
3%	300	200
4%	250	150

NOTE :

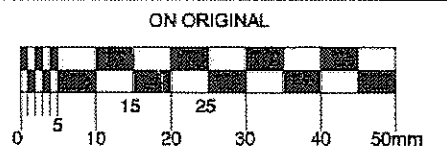
1. FOR AREAS WHERE CBR VALUES ARE BELOW 2%, CARRY OUT THE FOLLOWING:
- THE SOFT AREA IS TO BE EXCAVATED OUT FULLY AND REPLACED WITH A GENERAL FILL MATERIAL (CLASS 1A/1B) TO N.R.A. SPECIFICATION TO THE UNDERSIDE OF AN 'IMAGINARY' LAYER (CONCORD 1:40 OR SIMILAR 40kN/m²). SEPARATION GEOTEXTILE TO BE PLACED BETWEEN THE SUBGRADE AND CAPPING.
OR
- SOIL TO BE STABILISED IN-SITU WITH LIME/CEMENT TO SPECIALIST CONTRACTOR SPECIFICATION TO FORMATION LEVEL. MINIMUM CBR 5%.

AN ENGINEER SHOULD INSPECT THE SOFT AREA WHEN IT HAS BEEN FULLY EXCAVATED OUT PRIOR TO THE FILL/STABILISED MATERIAL BEING PLACED/WORKED.

2. FOR AREAS WHERE CBR VALUES ARE BETWEEN 2% AND 5%, CARRY OUT THE FOLLOWING:
- THE SOIL IS TO BE EXCAVATED OUT FULLY AND REPLACED WITH A CAPPING MATERIAL TYPE 6F1/6F2 TO N.R.A. SPECIFICATION. DEPTHS OF CAPPING MATERIAL AS PER TABLE 1 BELOW. SEPARATION GEOTEXTILE TO BE PLACED BETWEEN THE SUBGRADE AND CAPPING.
OR
- SOIL TO BE STABILISED IN-SITU WITH LIME/CEMENT TO SPECIALIST CONTRACTOR SPECIFICATION TO FORMATION LEVEL. MINIMUM CBR 5%. DEPTHS OF MATERIAL TO BE STABILISED AS PER TABLE 1 BELOW.



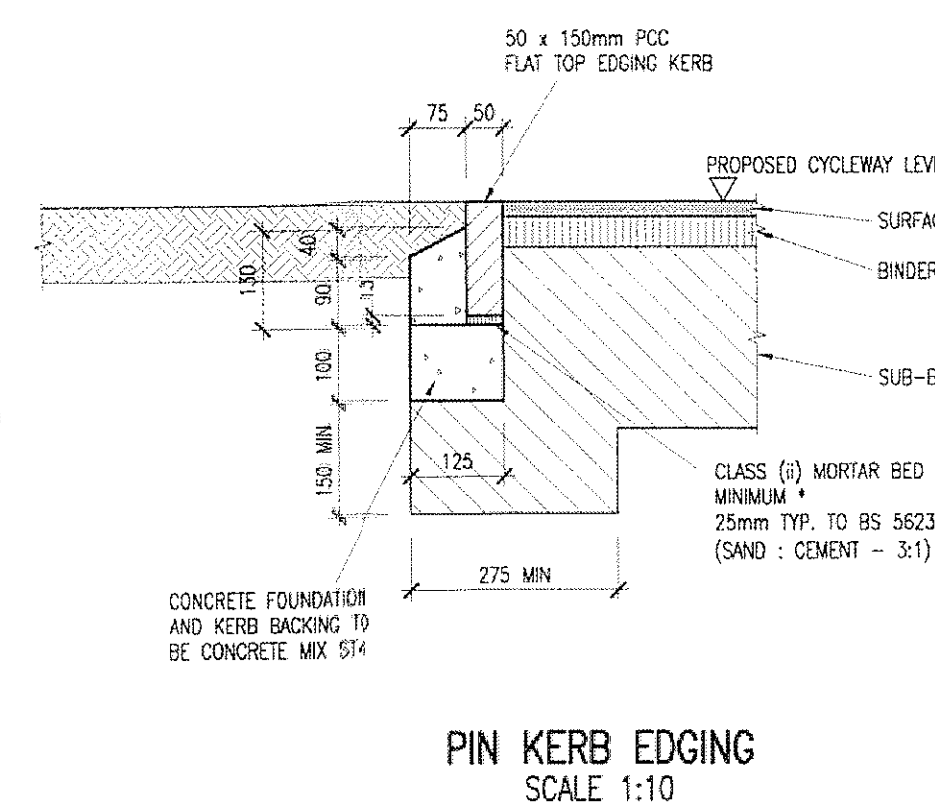
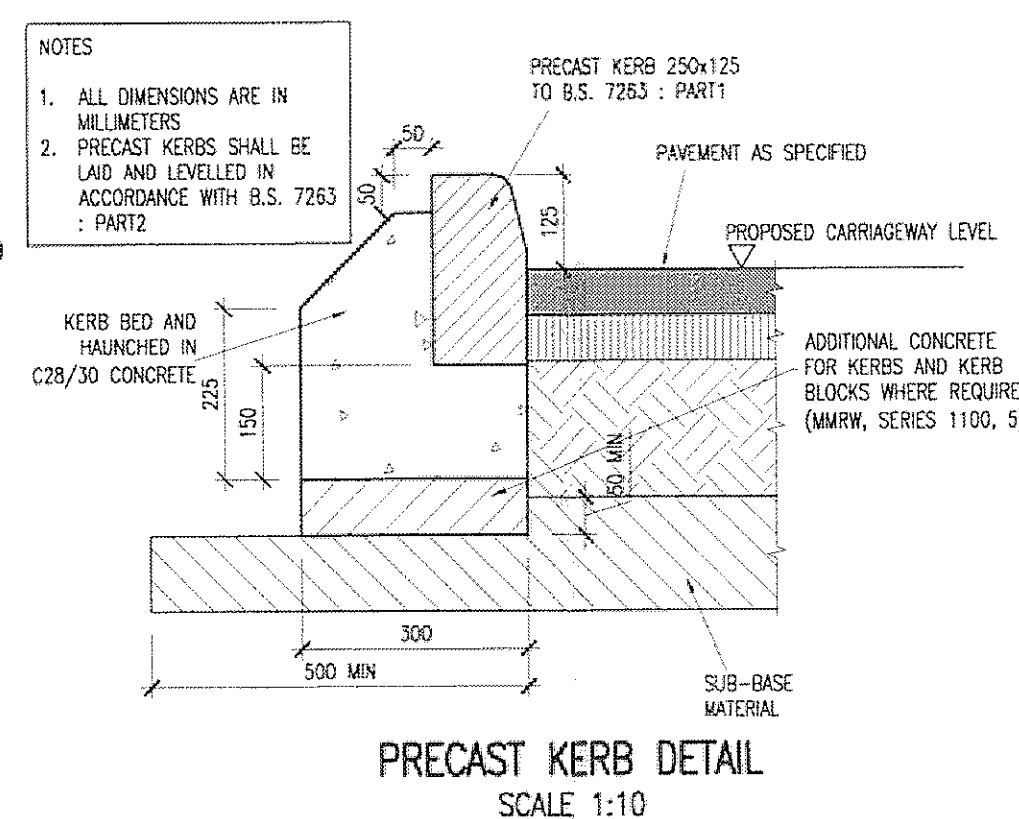
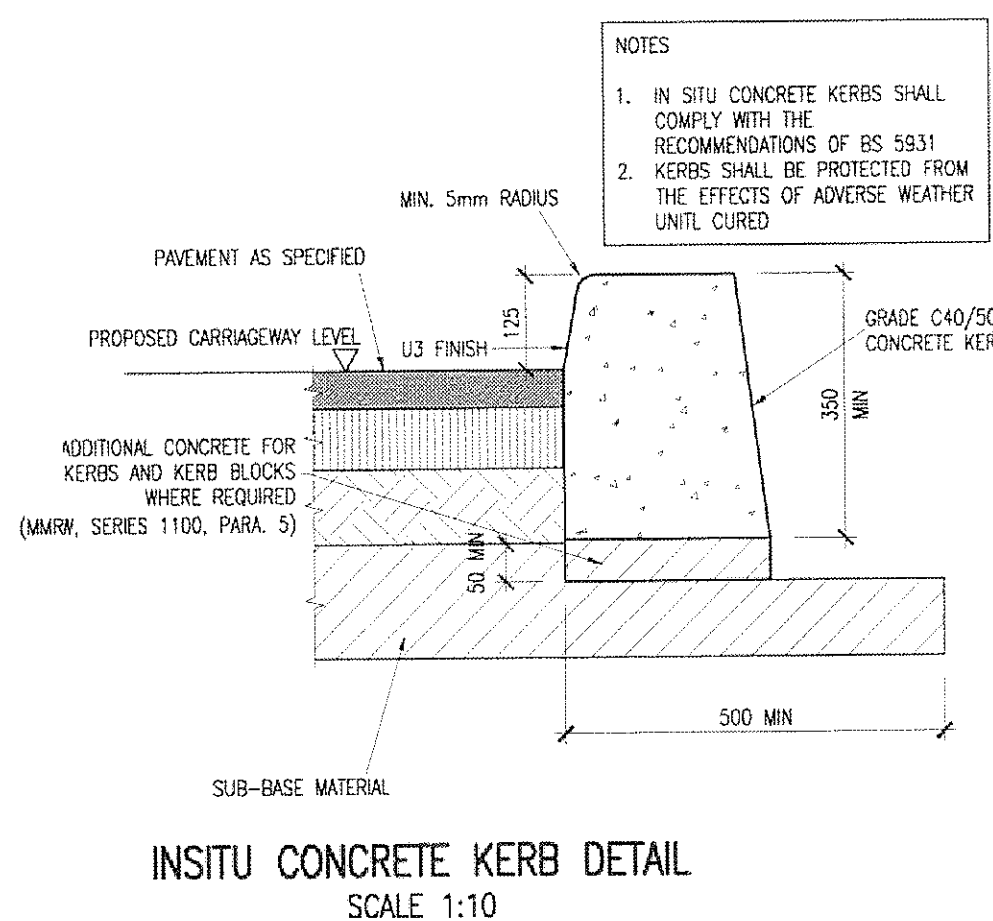
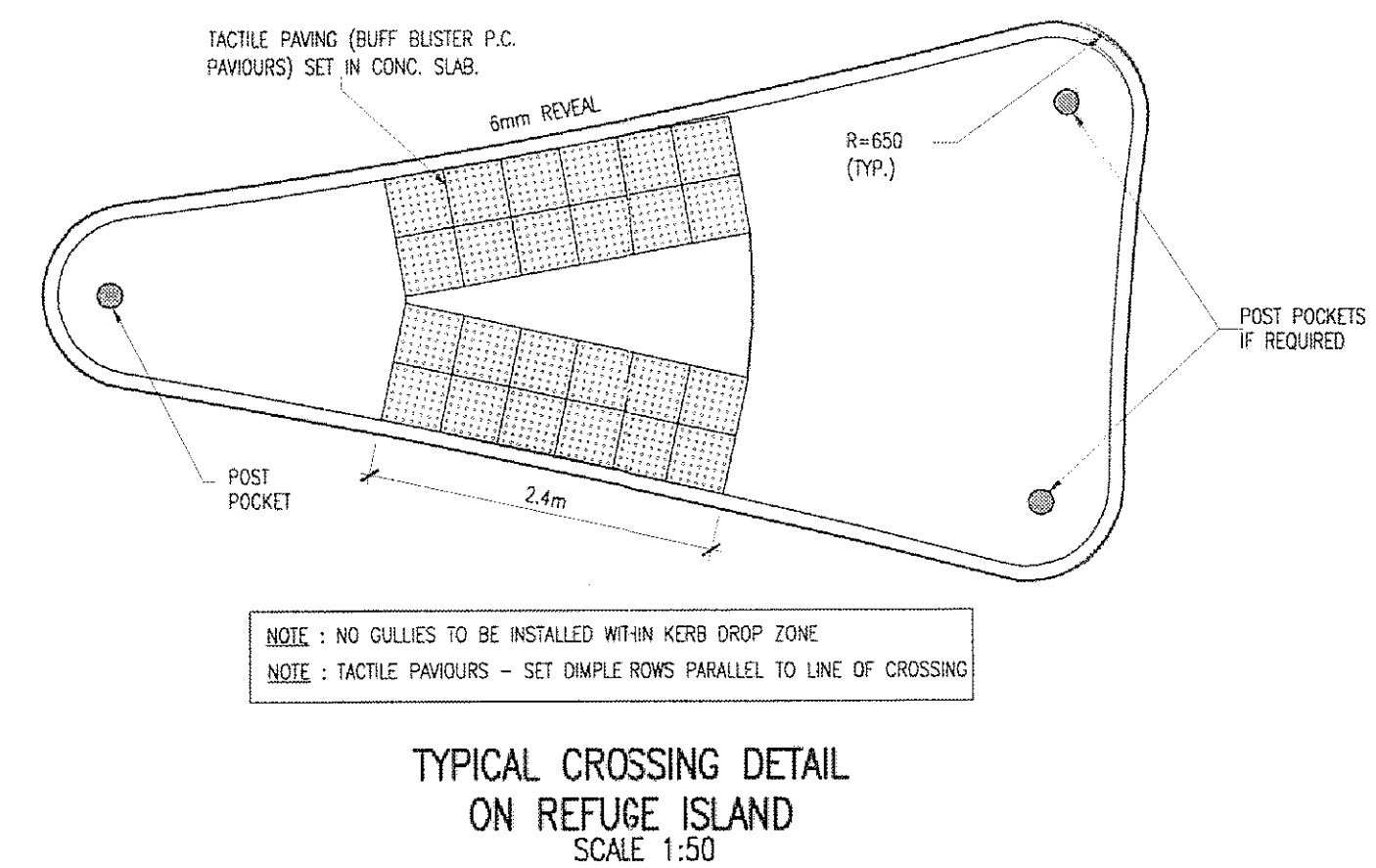
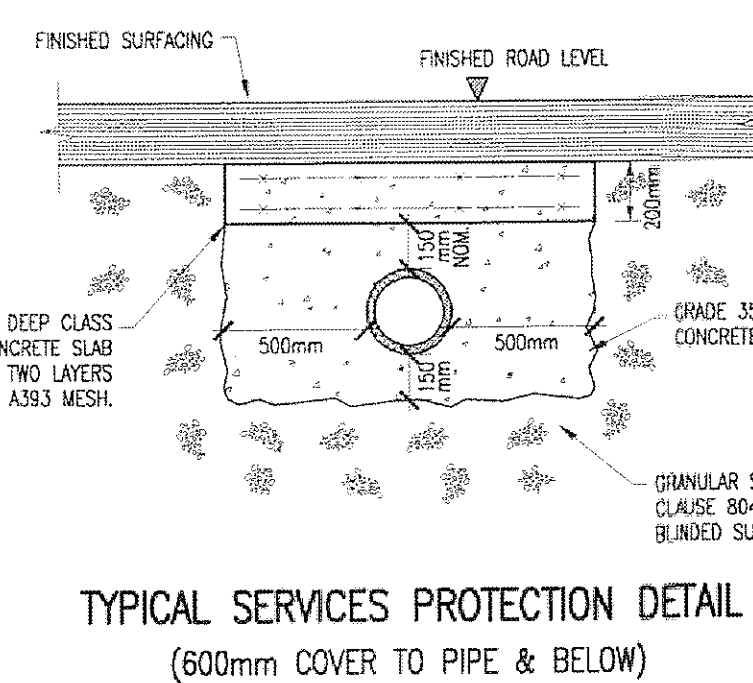
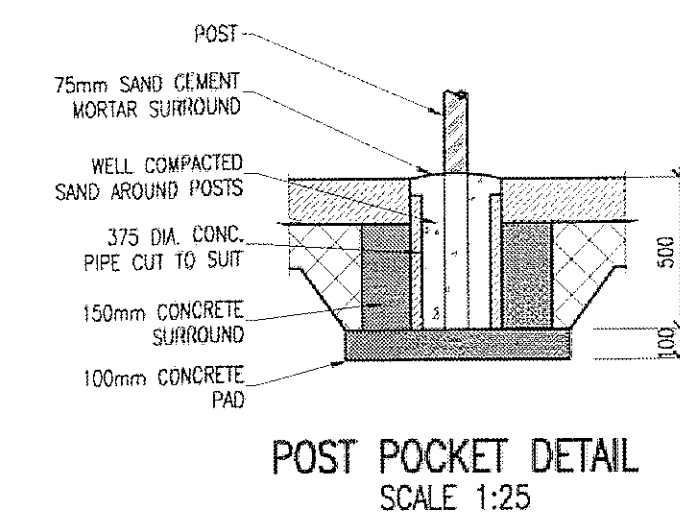
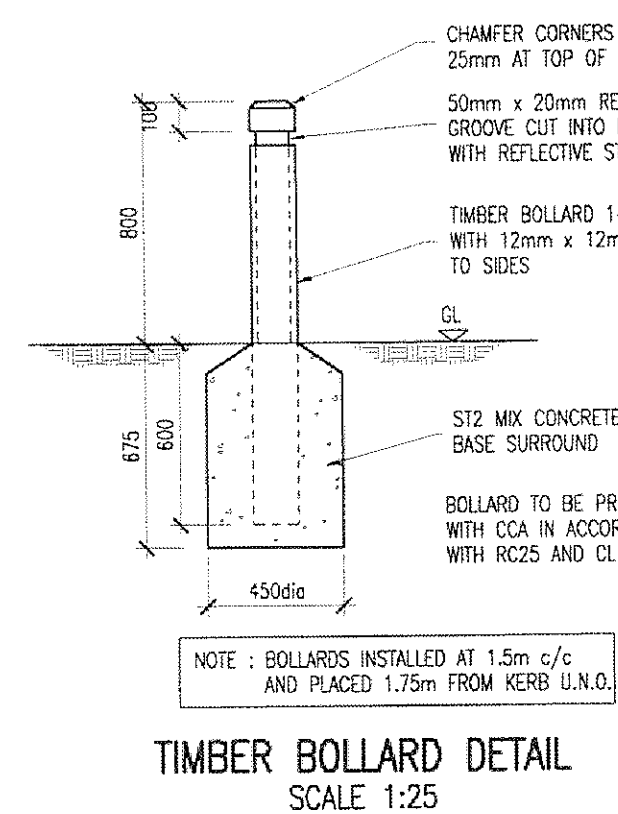
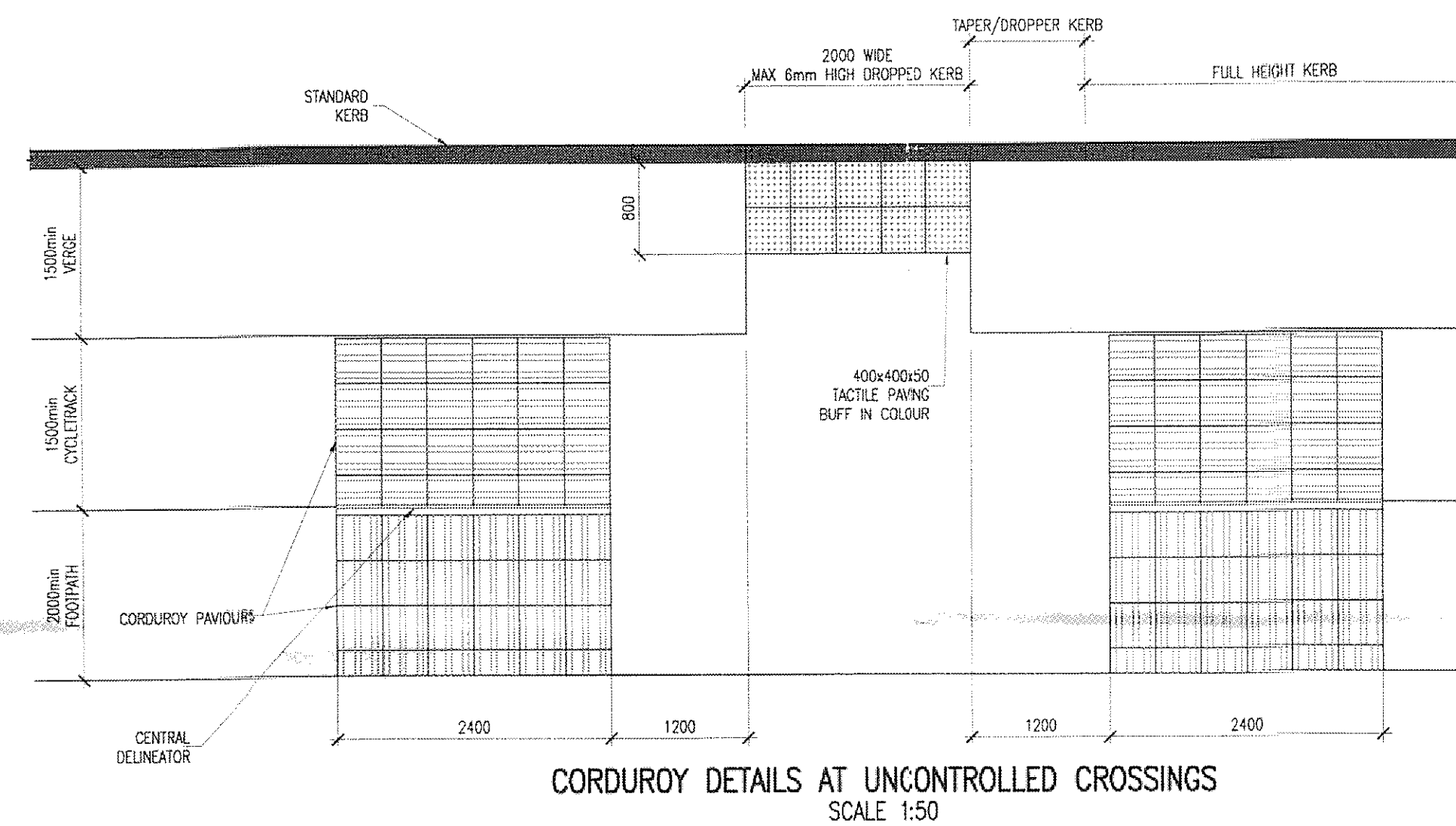
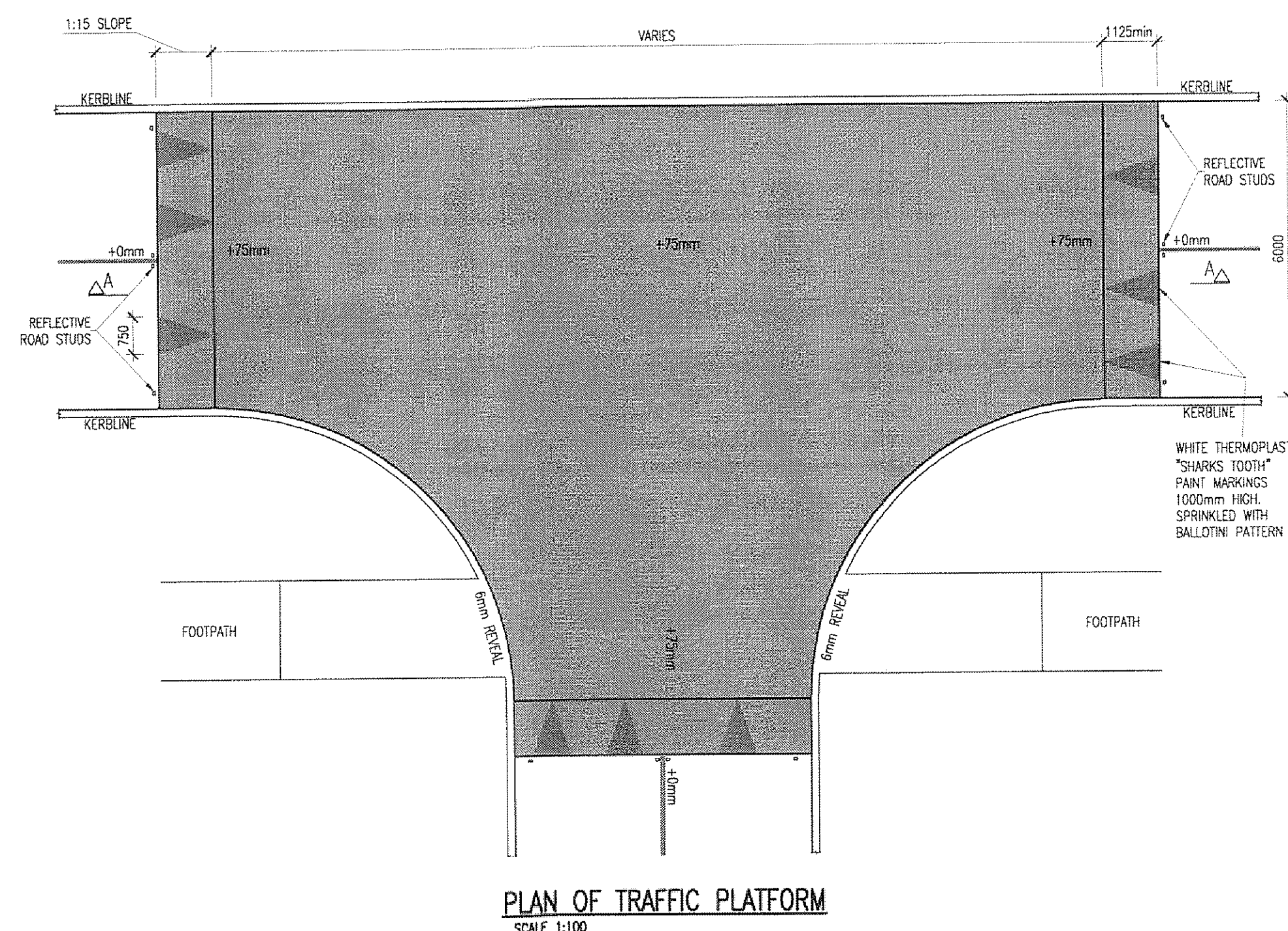
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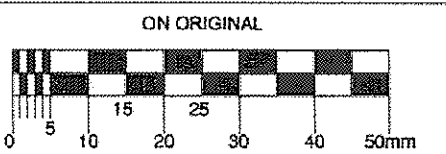
- NOTES:**
- CLOSE GRADED SURFACE COURSE MACADAM SHALL COMPLY WITH THE REQUIREMENTS OF CLAUSE 912 OF THE NRA'S 'SPECIFICATION FOR ROAD WORKS' AND SHALL SATISFY THE REQUIREMENTS OF TABLE 9/2. IT SHALL BE LAID & COMPACTED IN ACCORDANCE WITH CLAUSE 901 & CLAUSE 702.
 - DENSE BITUMEN MACADAM BINDER COURSE SHALL COMPLY WITH THE REQUIREMENTS OF CLAUSE 906 OF THE NRA'S 'SPECIFICATION FOR ROAD WORKS' & SHALL SATISFY THE REQUIREMENTS OF TABLE 9/1. IT SHALL BE LAID & COMPACTED IN ACCORDANCE WITH CLAUSE 901 & CLAUSE 702.
 - SUB-BASE MATERIAL SHALL COMPLY WITH CLAUSE 804 GRANULAR MATERIAL TYPE B OF NRA'S SPECIFICATION FOR ROAD WORKS (SNW) & SHALL SATISFY THE REQUIREMENTS OF TABLE 8/4 & 8/2.
 - SUB FORMATION & CAPPING MATERIAL SHALL COMPLY WITH CLAUSE 613 OF THE NRA'S 'SPECIFICATION FOR ROAD WORKS' & SHALL SATISFY THE REQUIREMENTS OF TABLE 6/1 & 6/2.
 - STONE BLINDING WITH 2-5.3mm AGGREGATE SHALL MEET THE FOLLOWING GRADINGS, IN ACCORDANCE WITH S EN 13242
- | BS SIEVE SIZE (mm) | % BY MASS PASSING |
|--------------------|-------------------|
| 14 | 100 |
| 10 | 98-100 |
| 6.3 | 80-99 |
| 2.0 | 0-20 |
| 1.0 | 0-5 |
- CRUSHED STONE WITH 4-20mm AGGREGATE SHALL MEET THE FOLLOWING GRADINGS, IN ACCORDANCE WITH S EN 13242
- | BS SIEVE SIZE (mm) | % BY MASS PASSING |
|--------------------|-------------------|
| 40 | 100 |
| 31.5 | 98-100 |
| 20 | 90-99 |
| 10 | 25-70 |
| 4 | 0-15 |
| 5 | 0-5 |
- ANY ROADS PROPOSED TO BE USED FOR CONSTRUCTION TRAFFIC ARE TO HAVE INCREASED DEPTH OF SUB-BASE FOR THE DURATION OF CONSTRUCTION IN ACCORDANCE WITH DBFL SPECIFICATIONS.
 - ALL WORKS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL AUTHORITY.
 - ALL GEOTEXTILES TO BE LAID IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.

03-04-14 F14 A/ 0132
FINGAL C. C. PL. DEPT

REV.	DATE	DESCRIPTION	BY	CHKD.
PLANNING				
DESIGNED	DJR	PREPARED	PGC	
DATE	MAR 2014	CHECKED	DJR	
DBFL Consulting Engineers 1-2 O'Donnell Street, Waterford, Ireland. PHONE +353 51 906 500 FAX +353 51 906 500 EMAIL info@dbfl.ie site www.dbfl.ie				
PROJECT DEVELOPMENT AT DRUMNIGH ROAD, MALAHIDE				
ORG. TITLE TYPICAL ROAD CONSTRUCTION DETAILS-SHEET 1				
ARCHITECT McCROSSAN O'ROURKE MANNING				
SCALE AS SHOWN		FILE REF. 062129-2111		
DRG. NO. 062129-2111				



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NOTES:

1. CLOSE GRADED SURFACE COURSE MACADAM SHALL COMPLY WITH THE REQUIREMENTS OF CLAUSE 912 OF THE NRA'S SPECIFICATION FOR ROAD WORKS & SHALL SATISFY THE REQUIREMENTS OF TABLE 5/2. IT SHALL BE LAID & COMPACTED IN ACCORDANCE WITH CLAUSE 901 & CLAUSE 702.
2. DENSE BITUMEN MACADAM BINDER COURSE SHALL COMPLY WITH THE REQUIREMENTS OF CLAUSE 906 OF THE NRA'S SPECIFICATION FOR ROAD WORKS & SHALL SATISFY THE REQUIREMENTS OF TABLE 5/2. IT SHALL BE LAID & COMPACTED IN ACCORDANCE WITH CLAUSE 901 & CLAUSE 702.
3. SUB-BASE MATERIAL SHALL COMPLY WITH CLAUSE 804 GRANULAR MATERIAL TYPE B OF NRA'S SPECIFICATION FOR ROAD WORKS (SRW) & SHALL SATISFY THE REQUIREMENTS OF TABLE 6/4 & 6/2.
4. SUB FORMATION & CAPPING MATERIAL SHALL COMPLY WITH CLAUSE 613 OF THE NRA'S SPECIFICATION FOR ROAD WORKS & SHALL SATISFY THE REQUIREMENTS OF TABLE 6/1 & 6/2.
5. STONE BLINDING WITH 2-6.3mm AGGREGATE SHALL MEET THE FOLLOWING GRADINGS, IN ACCORDANCE WITH IS EN 13242

BS SIEVE SIZE (mm)	% BY MASS PASSING
14	100
10	98-100
6.3	80-99
2.0	0-70
1.0	0-5
6. CRUSHED STONE WITH 4-20mm AGGREGATE SHALL MEET THE FOLLOWING GRADINGS, IN ACCORDANCE WITH IS EN 13242

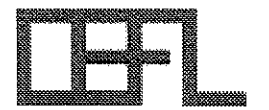
BS SIEVE SIZE (mm)	% BY MASS PASSING
14	100
10	98-100
31.5	90-99
20	25-70
4	0-15
5	0-5
7. ANY ROADS PROPOSED TO BE USED FOR CONSTRUCTION TRAFFIC ARE TO HAVE INCREASED DEPTH OF SUB-BASE FOR THE DURATION OF CONSTRUCTION IN ACCORDANCE WITH DBPL SPECIFICATIONS.
8. ALL WORKS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL AUTHORITY.
9. ALL GEOPRISMS TO BE LAID IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.

SIEVE SIZE (mm)	% BY MASS PASSING
14	100
10	98-100
6.3	80-99
2.0	0-20
1.0	0-5

SIEVE SIZE (mm)	% BY MASS PASSING
40	100
31.5	98-100
20	90-99
10	25-70
4	0-15
5	0-5

03-04-14 F14 A/ 0132
FINGAL C. C.PL. DEPT

REV.	DATE	DESCRIPTION	BY	CHKD.
PLANNING				
DESIGNED	DJR	PREPARED	PGC	
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DBFL Consulting Engineers EMAIL: info@dbfl.ie SITE: www.dbfl.ie

PROJECT
DEVELOPMENT AT
DRUMNIGH ROAD, MALAHIDE

DRG. TITLE
TYPICAL ROAD CONSTRUCTION
DETAILS-SHEET 2

ARCHITECT
McCROSSAN O'ROURKE
MANNING

SCALE	AS SHOWN	FILE REF.	062129-2111
DRG. NO.		062129-2112	

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Register Reference: F14A/0132

Date of Registration: 24 November, 2014

Correspondence: David Ledwith McCrossan O'Rourke Manning Architects,
Albert Place West, Harcourt Lane, Dublin 2.

Development: 270 no dwelling houses (terraced, semi-detached and detached), comprising of 84 no. 3 bed houses; 96 no. 4 bed houses and 90 no. 5 bed houses, together with 556 no. ancillary car parking spaces (comprising 111 no. on-street car parking spaces and 445 no. on-curtilage car parking spaces); provision of a vehicular and pedestrian access to the site via a new roundabout junction onto the Drumnigh Road and all associated works; and all landscaping and infrastructure services including a new sewage pumping station.

Location: Townland of Drumnigh, Drumnigh Road, Portmarnock, Co. Dublin.

Applicant: Shannon Homes (Dublin) Ltd.

Application Type: Permission

Zoning: 'RS' – The objective of which is to 'Provide for residential development and protect and improve residential amenity'
'GB' – The objective of which is to 'Protect and Provide for a Greenbelt'

Planning Officers Report:

UO,N/AF

Report of the Planning Officer Typed 26th May 2014.

Nature Of Development:

PERMISSION is sought for 270 no dwelling houses (terraced, semi-detached and detached), comprising of 84 no. 3 bed houses; 96 no. 4 bed houses and 90 no. 5 bed houses, together with 556 no. ancillary car parking spaces (comprising 111 no. on-street car parking spaces and 445 no. on-curtilage car parking spaces); provision of a vehicular and pedestrian access to the site via a new roundabout junction onto the Drumnigh Road and all associated works; and all landscaping and infrastructure services including a new sewage pumping station; all at townland of Drumnigh, Drumnigh Road, Portmarnock, Co. Dublin for Shannon Homes (Dublin) Ltd.

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref. F14A/0132

Land-use zoning:

The subject site falls within 2 land-use zoning objectives, RS and GB.

The northern portion of the site is located within land-use zoning objective RS, *'provide for residential development and protect and improve residential amenity'*.

The southern section of the subject site is zoned GB, *'protect and provide for a Greenbelt'*.

The site is located within the Outer Airport Noise Zone and Outer Public Safety Zone, with a recommended limit of 60 persons per 0.5 hectare.

The following specific local objective applies to this area:

Map Based Local Objective 407: Density shall be in accordance with (draft) public safety zones recommended by the Government'.

There is a map based objective to realign the Mayne Road.

Site Location & Description:

The subject site, which has a stated area of 11.9 ha, is located on the eastern side of Drumnigh Road, southwest of Portmarnock Village and west of the Dublin-Belfast/DART railway line. The site is on the edge of the greenbelt between Portmarnock and Dublin City, with the Dublin City North Fringe residential area located beyond the Greenbelt lands.

The site is bounded to the east by the Belfast–Dublin rail line/DART line, beyond which are residential zoned lands governed by the Portmarnock South LAP, 2013; to the north is the Drumnigh Woods residential development and to the northwest are 2 no. single storey houses and 1 detached property fronting onto Drumnigh Road; to the west is Drumnigh Road bounded by a dense hedgerow and on the opposite side of the road is the entrance to the grounds of Trinity Gaels GAA club and a small number of large detached properties; and to the south are greenbelt zoned lands in agricultural use. Portmarnock Dart Station is located to the northeast of the site, on the other side of the railway line and accessed via Drumnigh Road and Station Road. A continuous pedestrian footpaths exists on the opposite side of Drumnigh Road to the train station, however, this is extremely narrow in parts.

The site, which is in agricultural use at present, falls from north to south from 15m to 6.6m towards a stream that forms the southern site boundary. The RS zoned land relates to the highest part of the site. There is an existing at-grade bridge across the railway line which serves this agricultural land and land on the opposite side of the railway line.

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref. F14A/0132

Planning History:

The following planning history pertains to the subject site:

F07A/0424/ABP PL06F.226731 – Permission GRANTED by ABP for 202 dwellings units (permission sought for 208 units), all on an overall site of c. 10.42 hectares, Shannon Homes.

F07A/0424/E1 – Permission GRANTED for Extension of Duration of F07A/0424.

Condition 1:

The extension of the duration of this planning permission in relation to planning Reg. Ref. no. F07A/0424/PL06F.226731 shall be for 5 years only, up to and including 28th April 2018 and shall expire thereafter.

F08A/0955 – Permission GRANTED for amendments to previously approved residential development Reg. Ref. No. F07A/0424, a residential scheme on a site C.10.59 hectares incorporating:

- 1) Replace 52 previously approved 'Type A' two storey 4 bed semi detached house with a 'Type E' 3 storey 5 bed semi detached house (circa 195 sqm)
- 2) Replace 12 previously approved 'Type A' two storey 4 bed semi detached house with a 'Type E1' 3 storey 5 bed semi detached house with side extension (circa 238 sq.m)
- 3) Replace 62 previously approved 'Type A' two storey 4 bed semi detached house replaced with a 'Type A1' 2.5 storey 5 bed semi detached house (Circa 174.2 sq.m)
- 4) Replace 8 previously approved 'Type A' two storey 4 bed semi detached house with a 'Type A2' 2.5 storey 5 bed semi detached house with side extension (circa 220 sq.m)
- 5) Replace 44 previously approved 'Type C' two storey 4 bed semi detached house with a 'Type C1' 3 storey 5 bed semi detached house (circa 208 sq.m)
- 6) Replace 8 previously approved 'Type D' two storey 4 bed semi detached house with a 'Type D1' 3 storey 5 bed and study semi detached house (circa 232 sq.m)
- 7) Replace 12 terraced 'Type F and F1', no's 73-79 and 144-150, two storey 3 bed terraced houses with 8 'Type B' 3 storey 5 bed detached houses (circa 254 sq.m) as per condition 2a) of previously approved planning permission Reg. ref F07A/0424
- 8) Provide for 10 parking bays alongside the open space as per condition 2b) of previously approved planning permission Reg. ref F07A/0424
- 9) House No's 155/156 and 175/176 (previously approved house no's 161/162 and 181/182) moved 2m northwards as per condition 3) of previously approved planning permission Reg Ref F07A/0424, Giving a total of 202 dwellings (an overall reduction of 6 no.) together with minor site plan amendments to layout

COMHAIRLE CONTAE FHINE GALL

RECORD OF EXECUTIVE BUSINESS AND CHIEF EXECUTIVE'S ORDER

Reg. Ref. F14A/0132

and open space and provision of 26 no. on-street car parking spaces and 388 no. on-curtilage car parking spaces, all on an overall site of c. 10.59 hectares at Drumnigh, Drumnigh Road, Portmarnock, Co. Dublin. Applicant - Shannon Homes (Dublin) Ltd.

Condition 3 of this permission states:

This approved development permits the construction of 202 number houses only.

Condition 4 of this permission states:

The revised house type C1 shall be omitted and replaced with the previously approved house type C under F07A/0424 and as amended by way of condition number 3 (c) of the An Bord Pleanála decision, reg. ref. PL06F. 226731 refers. This to include the use of bedroom number 4 as a study or storage space and not as a habitable space. House type C will therefore be a three bedroom house only.

F09A/0170 – Permission GRANTED for amendments to previously approved residential development Reg. Ref. No. F08A/0955, incorporating the replacement 44 no. 'Type C1' 3 storey 5 bed semi detached houses with a 'Type C2' 3 storey 4 bed semi detached houses all on the scheme of 202 dwelling on a site of c.10.59 hectares at Drumnigh, Drumnigh Road, Portmarnock, Co. Dublin. Applicant - Shannon Homes (Dublin) Ltd.

Relevant Permissions on Adjacent Site to the East

F13A/0248 – Permission GRANTED (currently on appeal) for construction of 102 no. dwellings including 56 no. 3 bedroom, 2 storey houses, 25 no. 4 bedroom, 2 storey houses, and 21 no. 4 bedroom, 3 storey houses, vehicular access onto Station Road, extension to the existing footpath and cycle along Station Road, 51 car parking spaces to be associated with the future Portmarnock South local centre, all associated site development works, landscaping, boundary treatments, open spaces and surface water treatment areas. The planning application will be accompanied by a Natura Impact Statement.

Condition 2: This decision permits 101 no. dwelling units.

Relevant Permissions on Adjacent Site to the North

F04A/1089 - Planning Permission GRANTED for 91 dwellings (Phase 3) Ballymore Properties.

F03A/0445 - Planning Permission GRANTED for 33 dwellings (Phase 2) Ballymore Properties.

F00A/1461 - Planning Permission GRANTED for 20 dwellings (Phase 1) Ballymore Properties.

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F00A/1114 - Planning Permission REFUSED for 136 dwellings Ballymore Properties.

Relevant Permissions on Adjacent Sites to Northwest:

F13A/0413 – Permission GRANTED for 2 dwellings at Twin Cedars, Drumnigh Road, Old Portmarnock, Co. Dublin.

F10A/0543 - Twin Cedars, Drumnigh Road, Old Portmarnock, Co Dublin. A new boundary wall generally as permitted under additional information submitted on permission Ref. F07A/0095 along with alterations to proposed details/materials/fenestration/entrance gates arrangement and retention of existing temporary access field gate. Also extension to Twin Cedars house consisting of partial demolition/refurbishment for new family room and conservatory, retention of previous incremental alterations also energy upgrade improvements, fenestration alterations and other related ancillary works. *Grant permission 25th May 2011.*

F97B/0496 – Permission GRANTED for a garage at Twin Cedars, Drumnigh.

Objections / Submissions:

3 no. letters of objection have been received within the statutory time period allocated, one of which is submitted on behalf of 9 others. These objections are summarised as follows:

- Density too high for this location
- Poor pedestrian/cyclist infrastructure along Drumnigh Road/in the area.
- Impact on residential amenity of dwellings within Drumnigh Wood given position and height of dwellings along the northern boundary, lack of screening and distances to boundaries.
- Scheme is bland and 3 storey buildings unacceptable.
- Lack of a traffic management plan.
- Traffic congestion in the area

Pre-Application Consultation:

Pre-planning consultation was undertaken.

Departmental Reports:

Transportation: Report notes additional information is required.

Water Services: Report notes additional information is required.

Irish Water: Report notes additional information is required.

Greater Dublin Drainage Project: Report notes no objection, subject to clarification in relation to wayleaves and in relation to pumping station.

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Park & Heritage Division: report notes additional information is required.

Architects: Report notes additional information is required.

Environmental Health Officer: Report notes no objection subject to condition.

Prescribed Bodies:

DAA – Report requests that a noise impact assessment be undertaken.

Iarnrod Eireann – Reports raises a number of issues.

Department of Arts Heritage & The Gaeltacht – Report notes that the department has assessed the archaeology report submitted with the application. It is noted that should permission be granted, recommendations of the archaeology report should form part of any grant of permission.

Proposed Development:

Permission is sought for 270 no dwelling houses (terraced, semi-detached and detached), comprising of:

- 84 no. 3 bed houses;
- 96 no. 4 bed houses and
- 90 no. 5 bed houses, together with
- 556 no. ancillary car parking spaces (comprising 111 no. on-street car parking spaces and 445 no. on-curtilage car parking spaces);
- provision of a vehicular and pedestrian access to the site via a new roundabout junction onto the Drumnigh Road and all associated works; and
- all landscaping and infrastructure services including a new sewage pumping station.

In addition to the layout and house plan drawings submitted, the application is accompanied by the following documents:

- Planning Report
- Urban Design Statement
- Traffic and Transport Assessment
- Infrastructure Design Report
- Appropriate Assessment Screening Report
- Archaeological Assessment
- Landscape Report

Layout

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The proposed development of this 11.9 ha site is to comprise 270 dwelling units with one access to the site from the western frontage, via a proposed roundabout off Drumnigh Road, opposite the entrance to St Trinity Gaels GAA club. A spine access route traverses the site west to east, off which there are 9 secondary access streets, 2 of these serve cul-de-sacs and the remaining 7 serve approximately 5 interconnected blocks. Residential development is proposed north of the spine road and open space is proposed south of this road. The applicant states that 2 areas of lower densities along the northern and southern boundary of the site have been created, with an area of higher density in the middle of the scheme.

The applicant states in the submitted Planning Report that pedestrian linkage to the lands east of the railway line and to the DART station will be via an existing bridge and it is proposed to provide a linear open space along the eastern railway embankment leading northward over third party lands, allowing for more direct pedestrian access to the Portmarnock DART station. There is a proposal for a linear pedestrian/cyclist open space alongside the east of the railway line as part of permission F13A/0248 (currently on appeal). This open space stops short of the railway bridge, leading to the proposal by the applicant to cross over third party lands to gain access to this proposed linear park. The Planning Authority notes, however, that Iarnrod Eireann states in their submission that no consultation has taken place with them in relation to usage of the bridge and no proposal on the drawings relates to the proposed linear open space on the eastern railway embankment over third party lands, nor is there any letter of agreement submitted from a third party to indicate that such works could be undertaken. It is unclear what existing rights of way/wayleaves exist in relation to this bridge.

Public Open Space for the proposed development is located along a linear section along the southern portion of the site, within the GB zoned area. Additional smaller open space areas are distributed across the scheme within the housing areas. The open space (which appears to be mistakenly numbered in a non-sequential manner) is broken down as follows:

- Open space area 1: 685 sqm
- Open space area 3 x 3: 890 sqm; 1400 sqm; & 1550 sqm
- Open space area 4: 1450 sqm
- Open space area 6: 18,000 sqm

A wayleave is shown south of the main linear open space section, with this area outside the red site boundary line and within the blue ownership boundary. South of the wayleave is the proposed pumping station and adjoining attenuation area to serve this development, which is within the red site boundary line.

Dwelling Types, Mix of Units & Design

270 no. residential units are proposed comprising

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- 84 no. 3 bed houses (62 of which are C type terraced dwellings and have been designed in the exact same way as the 4-bed B units, with the difference being the floor plan at attic level of the C units is empty).
- 96 no. 4 bed houses
- 90 no. 5 bed house

The proposed development can be further assessed as follows:

House Type	No. of Units	No.Bed	Bedspaces	GFA	Height: metre/storey
A (semi-detached)	74	5	9	191.4 sqm - 231.8 sqm	11m / 3 st
B (semi-detached)	72	4	7	152.3 sqm – 160.1 sqm	10.5m / 3 st
C (terraced)	62	3	5	144.7 sqm & 145.1 sqm	10.5m / 3 st
D (detached)	16	5	10	236.1 sqm & 241.3 sqm	10m / 3 st
E type dwellings (semi-detached)	22	3	5	236.1 sqm & 241.3 sqm	8.2m / 2 st
F (semi-detached)	20	4	6	111.7 sqm & 112.4 sqm	8.2m / 2 st
G (detached)	4	4	7	164.1 sqm & 165.8 sqm	8.2m / 2 st
TOTAL	270				

The detailed layout and design of the house types is described hereunder. There are in essence 7 house types, with minor variations in design and layouts within each type, resulting in a categorization of 23 house types.

Type A:

House Type A

There are 15 of this house type within the scheme. This is a three-storey 5-bed semi-detached dwelling, with a stated gross floor area of 191.4 sqm.

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The dimensions of the dwellings are as follows: 6m wide x 13m deep, with an overall height of 11.1m. The pitched roof, given the depth of the dwelling and provision of a second level of accommodation, is steeper in the front with a more sloping angle to the rear, where the roof plane is deep.

In terms of design, this dwelling has a pitched roof with a projecting two-storey flat roof bay window type projection on the front façade and a dormer projection sits within the front façade/roof section. There are 2 rooflights and 2 solar panels on the rear roof plane. The dwellings read as 3-storey from the front, and 2-storey from the rear, with a more sloping roof to the rear and rooflights. It is noted however that the rooflights are positioned low in the roof plane and will result in a high level of visibility/overlooking from these bedrooms.

House type A comprises on the ground level a recessed entrance hall way, WC, storage under the stairs, living room, and an open plan kitchen/dining room. At first floor level there are 3 bedrooms (1 of which has an en-suite), bathroom, and storage area. At second floor level there are 2 bedrooms (1 of which has an en-suite) and a room labelled as store (6.8 sqm in area).

House Type A1

This house type is the same size and has the same dimensions as house type A. There are 54 of this house type. This house type differs in the roof design, with a projecting small gable fronted pitched roof feature within the roof, in place of the box dormer style utilised in house type A.

House Type A2: Corner Sites

This house type is the same size as house types A and A1. There are 4 of this house type within the scheme. The layout is similar to the other house type A and A1, with the design differing given this dwellings position on corner sites within the scheme. The gross floor area is marginally bigger being 195.4 sqm.

The front elevation is similar to house type A1, with the primary difference being the location of the entrance on the side elevation. The side elevation also differs with provision for a bay type projection at the ground and first floor level, with the extent of the projection of the first floor allowing for an overhang over the entrance doorway at ground level.

House Type A3

There is 1 of this house type. This dwelling comprises the same principle dimensions as the other type A dwellings, with an addition of a single storey side annex with attic level room (6.8m in height; gfa 231.8 sqm). This side annex comprises a study, wc and utility room at ground level and within the first level comprises a bathroom, which connects into

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the first floor of the main dwelling and removes the bathroom from the main first floor level as laid out in the other design.

Type B:

House Type B

There are 21 of this house type within the scheme. This is a three-storey 4-bed semi-detached/end of terrace dwellings, with a stated gross floor area of 152.3 sqm.

The dimensions of the dwellings are as follows: 5.5m wide x 11m deep, with an additional single storey rear extension 1.8m deep. The dwelling has an overall height of 10.5m. The pitched roof, given the depth of the dwelling and provision of a second level of accommodation, is steeper in the front to allow for a dormer projection, with a more sloping angle to the rear, with provision for rooflights and a deeper roof to the rear.

In terms of design, this dwelling has a pitched roof, a bay style projection at ground level, with a half dormer *within the roof section*. There is 1 rooflight and 2 solar panels on the rear roof plane. Similar to house type A, given the roof profile and attic level accommodation, the dwellings read as 3-storey from the front and 2-storey from the rear. It is noted however that the rooflights are positioned low in the roof plane and while these are serving store rooms, there will be a high level of visibility/potential overlooking from these rooms.

House type B comprises on the ground level a recessed entrance hall way, WC, storage under the stairs, living room, and an open plan kitchen/dining room. At first floor level there are 3 bedrooms (1 of which has an en-suite), bathroom, and storage area. At second floor level there is 1 bedroom with an en-suite and a room labelled as store (6.8 sqm in area).

House Type B1, B4 & B6

The design is similar in style to that of house type B, with similar dimensions. The front elevation differs in the design of the ground level bay projection to the living room area. this dwelling has a pitched roof, a square bay style projection at ground level (different to that under type B), with a half dormer within the roof section. There is 1 rooflight and 2 solar panels on the rear roof plane.

House Type B2, B3 & B5: Corner Sites

These house type is located on corner sites within the scheme (3 x B2 and 5 x B3) and therefore differs in the design at ground level, with the entrance to the dwelling from the side elevation and also a projecting bay window on this elevation, in addition to the front elevation. These dwellings are marginally larger than B & B1.

Type C

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House type C & C1 are mid-terrace 3-bed, 3-storey units, with a stated gross floor area of approx. 145sqm. House type B is positioned as the end of terrace dwelling terminating at the end of the C type terraces.

The dimensions of the dwellings are as follows: 5.2m wide x 11.8m deep. The dwelling has an overall height of 10.5m. The roof profile is the same as the dwelling A & B within the scheme.

Similar to house designs for A & B, this dwelling has a pitched roof, a bay style projection at ground level, with a dormer within the front façade/roof section and a rooflight and 2 solar panels on the rear roof plane. It is noted that the rooflights are positioned low in the roof plane and there will be a high level of perceived overlooking/potential overlooking from these rooms.

House type C comprises on the ground level a recessed entrance hall way, WC, storage under the stairs, living room, and an open plan kitchen/dining room. At first floor level there are 3 bedrooms (1 of which has an en-suite), bathroom, and storage area. At second floor level no rooms are indicated and the schedule of accommodation notes that the dwellings are 3 bedroom. It is noted that the attic level is designed to accommodate an additional floor of development and has windows the same as dwellings A & B within the scheme which use the second level for accommodation.

Type D

House Type D & D1 are detached 5-bed 3-storey dwellings. There are 16 of this house type, which are the largest dwellings within the scheme, with a stated gross floor area of 236 sqm-240sqm.

The dimensions of the dwellings are as follows: 9.3m wide x 10m deep, with an additional 2.6m deep single storey rear extension. The dwelling has an overall height of 10m. The proportions of these dwellings result in a more traditional roof pitch than the other dwellings within the scheme.

In terms of design, house type D has a pitched roof with 2 box dormer projections and a projecting bay window at ground level on the front façade, with the bay linking to a canopy structure over the entrance door. There are 2 solar panels proposed on the front roof plane, in between the dormers and one rooflight is proposed on the rear roof plane.

House type D1 differs in design, with a pitched roof feature and a rooflight within the roof plane, in place of the proposed box dormers in type D. This dwelling also has a 2 storey projecting bay feature on the front elevation.

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These dwellings comprises on the ground level a study, living room x 2, WC, and an open plan kitchen/family room, off which is a utility. At first floor level there are 4 bedrooms (1 of which has an en-suite), bathroom, and storage area. At second floor level there is 1 bedroom with an en-suite and 2 storage areas.

Type E & F

House type E is a semi-detached dwelling paired primarily with house type F throughout the scheme. House type E1 is generally paired with house type F1, which has a slightly modified design to E and F.

House type F/F1 is an L-shaped dwelling. This house type is designed with no first floor level windows to the rear of the dwelling, with bedroom windows to the front and side. There is 1 house type F2, which is a site specific variation of F1. This dwelling is L shaped with the two storey return to the front of the dwelling.

House type E/E1 and F/F1 have principle dimensions of 6m depth x 11.1m width, with house type F/F1 having an additional two storey return to the rear, 3.5m depth x 4.6m width. The overall height of these dwellings is 8.2m.

In terms of design, Type E & F are 2 storey semi-detached 3-bay dwellings, with a projecting gable-fronted pitch projecting from the front elevation. Type E1 & F1 are modified, with the projecting gable fronted element omitted from the design.

These dwellings comprise on the ground level a living room, storage, WC, and an open plan kitchen/dining/family room, off which is a utility. At first floor level there are 4 bedrooms (1 of which has an en-suite), bathroom, and attic level storage.

Type G

House type G, G1 and G2 are 3-bay, 2-storey detached dwellings, rectangular in shape, with a gross floor area of 165.8 sqm. The main body of these dwellings is 6m deep x 11.4m wide, with a large single storey extension to the front and side. The overall height of the dwelling is 8.2m.

These dwellings comprise on the ground level a living room, storage, WC, bedroom, study and an open plan kitchen/dining/family room, off which is a utility. At first floor level there are 4 bedrooms (1 of which has an en-suite), bathroom, and attic level storage.

Finishes to Houses

With regard to finishes, materials are to comprise a mix of render with selected brickwork. Slate or concrete roof tiles are proposed, with uPVC or aluminium coated rainwater goods. Windows and doors to be timber, aluminium or uPVC.

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Boundary Treatments

Front boundaries between dwellings are to comprise a planted area, with no boundary/gates proposed along the front adjoining the street.

Where terrace dwellings are proposed, the applicant indicates the planting area will largely be replaced with a bin storage area, comprising a 1.2m high brick wall with timber cladding enclosure. A tree is shown planted adjoining the street edge, where the bin store ends.

Dividing walls between the rear gardens of dwellings is indicated to be 1.8m high concrete post and timber infill panels. Rear boundary walls between gardens are to comprise 1.8 m high fairfaced concrete blockwork.

Boundary walls to gardens which front onto a street are will be of a 1.8m high wall with brick face on the public side.

The entrance walls to the development from Drumnigh Road are to comprise a 1.1m high stone wall. The rear garden of dwelling 1, which is bounded by Drumnigh Road will be finished with a 2m high stone wall.

Analysis of Proposed Development:

The proposed development will be assessed against the following key issues:

- Zoning Objective & Density
- Urban Design Statement
- Site Layout, Pedestrian Connectivity & Access to DART Station
- Visual Impact & Impact on Adjoining Residential Development
- Dwelling Mix, Unit Types, & Design
- Public Open Space
- Archaeology
- Transportation Network
- Water Services
- Natura Impact Assessment

The following national guidelines have been considered in the assessment of this application:

- Sustainable Residential Development in Urban Areas (2009) and accompanying document, Urban Design Manual – A Best Practice Guide
- Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes, Sustaining Communities (2007)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (DoEHLG, November 2009). These guidelines introduce mechanisms

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for the incorporation of flood risk assessment and management into the planning process.

Zoning Objective & Density

The site lies within an area zoned RS, 'provide for residential development and protect and improve residential amenity'. The proposed development is therefore acceptable in principle within the zoning objective for the area.

The Council promotes higher densities at suitable locations such as along public transport corridors or main town centres. The following objectives are of note:

Objective RD16

Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.

Objective UC04

Encourage higher residential densities with accompanying higher quality of architectural design in the larger urban centres in the County where appropriate and where proximate to good public transportation links.

Objective UC16

Promote the use and continued development of sustainable forms of transport such as walking, cycling and public transport both to and within urban centres.

The density of the proposed development is 23 units per hectare. The applicant states that a lower density is proposed around the edges of the scheme with a higher density proposed in the centre.

The site is a distance of 1.3km from the DART Station, when calculated from the mid-point of the access spine road to the development, via Dumnigh Road and Station Road. This zoned landbank is southwest of Portmarnock Village and is approx. 2.3km from the village core. Access to local shopping facilities within walking distance of the site is limited - there is a local shop in proximity to the DART station. Pedestrian footpaths from the site to the DART station/local shop are extremely deficient at present, with a very narrow footpath on the opposite side of Drumnigh Road, which in parts is wide enough only for one person. The footpath along Station Road has been widened in recent years, facilitated by permissions related to development in the area. Fingal County Council has no plans to widen the footpaths along Drumnigh Road, given the limitations presented by the narrowness of the road in this area and boundaries of existing properties.

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There is an opportunity to provide for a direct and safe pedestrian/cyclist connection to the DART station from the subject lands via usage of an existing bridge over the railway line, which links these lands and the other section of agricultural lands on the other side of the railway line. The Portmarnock South LAP governs the lands on the eastern side of the railway line and there is an objective to provide for a pedestrian/cyclist link within a landscaped corridor along the eastern side of the railway, to just beyond this existing bridge over the railway line (no LAP governs this application site). A section of the lands on the eastern side of the railway line has recently been granted permission under F13A/0248 (currently on appeal) for 101 dwelling units, with a linear open space alongside the railway line, which is proposed to be taken in charge by the Planning Authority.

There is an opportunity with the development of these lands to avail of a *direct* pedestrian link to the DART station in tandem with development and also avail of linkages to the proposed regional park and the coast. While the applicant has stated in their Planning Report document that they will use this pedestrian bridge, the applicant has not indicated this on any of the drawings submitted or referenced it in relation to the heading of 'connectivity' in their Urban Design Statement. The applicant has failed to demonstrate as part of this application that this pedestrian connection can be achieved / will be undertaken in tandem with the development of the area. It is the view of the Planning Authority that development without this pedestrian connection would result in a car dependent development.

The Fingal Development Plan promotes higher densities at suitable locations such as along public transport corridors, however, in this instance a direct, safe access to the DART station via an existing bridge adjoining the lands, is not explicitly supported within this application, with a lack of annotation on any drawings or agreements between any of the parties involved. Any development of this landbank should be phased in a manner which allows for the timely and sustainable growth of the area in tandem with safe and secure pedestrian connectivity to a high quality public transport rail line. To allow the development to proceed at the stated density without such a commitment, would result in car based travel patterns being developed in this area, which is at an outer suburban location.

It is noted that the subject site is located within the Outer Public Safety Zone of Dublin Airport. Public safety zones were drawn up in 2003 by ERM for the Department of Environment, Heritage and Local Government and the Department of Transport but guidelines for their implementation have not yet been issued by the Minister for Environment, Heritage and Local Government. A draft document in relation to PSZ's was published in 2005, which indicates that a density restriction should apply in these areas whereby there are less than 60 persons per half hectare. The applicant has stated that they comply with this restriction.

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Urban Design Statement

Objective UD01 of the Fingal Development Plan 2011-2017 requires that a detailed design appraisal is submitted for developments in excess of 5 residential units or 300 sq m of retail/commercial/office development in urban areas.

The applicant is required to address the following points as part of UD01:

- Explain the design principles and design concept
- Demonstrate how the twelve urban design criteria have been taken into account when designing schemes in urban areas. Each of the twelve criteria is of equal importance and has to be considered in an integrated manner
- Outline how the development meets the Development Plan Objectives, and the objectives of any Local Area Plan, Masterplan, Urban Centre Strategy, Framework Plan or other similar Plan affecting the site
- Include photographs of the site and its surroundings
- Include other illustrations such as photomontages, perspectives, sketches
- Outline detailed proposals for open space and ensure the provision of open space is designed in from the beginning when designing a new scheme
- Outline how Green Infrastructure integrates into the scheme

The applicant has submitted an urban design statement in support of this application. The urban design statement under the section 'context & connections' makes no reference to the proposed pedestrian/cyclist use of the existing bridge over the railway line to facilitate in the short/medium term direct access to the Portmarnock DART station and local services/shops. This proposal has been identified in the planning report submitted with this application. The Urban Design Statement is considered deficient in its lack of regard to the importance of providing direct pedestrian/cyclist access to the Portmarnock DART station in the creation of a sustainable community at this location.

The applicant states it is proposed to split the site into 3 character areas through variation in elevation treatments and building layout. Predominantly brick fronted houses are proposed to the east and west, with a lighter rendered treatment to houses in the centre of the site.

With regard to the principle of 'distinctiveness', it is noted that the urban design statement does not address the archaeology found on site or reference it in the design of the proposed open space.

Site Layout, Pedestrian Connectivity & Access to DART Station

Objective UD19

Require all developments to demonstrate high levels of accessibility and permeability both to and within a site.

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The site is a distance of 1.3km from the DART Station via Drumnigh Road/Station Road, when calculated from the mid-point of the access spine road to the development. The footpath along Drumnigh Road is located along the opposite side of the road to this development and is extremely narrow and deficient along large sections of it. At the junction of Drumnigh Road and Station Road one would have to cross the junction to reach the footpath along Station Road, with no provision for pedestrian crossings at this point.

A more reasonable, accessible and pedestrian/cyclist friendly alternative has been presented by the applicant through the suggested use of the Iarnrod Eireann bridge over the railway lands (as set out above). The Planning Authority note, however, that the bridge does not form part of this current application and Iarnrod Eireann has stated that no consultations have taken place with them in relation to the use of the railway overbridge 0BB21 as a cycleway. It is also noted that the applicant has not submitted a letter of consent/support from the third party landowner on the other side of the railway line supporting the applicant's contention that they will provide a link to the linear park permitted (currently on appeal) on the east of the railway line via the third party lands. It is unclear what rights of way/wayleaves exist in relation to the bridge and what upgrades to the bridge would be required to facilitate its use as a pedestrian/cycle bridge.

Visual Impact & Impact on Adjoining Residential Development

The applicant has submitted cross sections through the site, however has not indicated in the cross sections existing neighbouring residential dwellings. No photomontages in relation to the proposed development have been submitted. In order to fully assess the visual impact of the development, it is recommended that the applicant submit photomontages/elevations of the proposed development as viewed coming from the north and south of Drumnigh Road and also as viewed from across the greenbelt from Mayne Road.

Drumnigh Woods

In the Planning Report accompanying this application, the applicant states that it is proposed to provide deep gardens to dwellings along the northern boundary of the site, where the dwellings adjoin Drumnigh residential development, and ensure generous separation distances are achieved between the established and proposed dwellings.

With regard to the impact on the dwellings within Drumnigh Woods, no cross section through any of the dwellings proposed along the northern boundary showing the ridge level of dwellings within the neighbouring Drumnigh development has been submitted. In this regard it is difficult to ascertain the visual impact of this proposal on existing neighbouring properties. It is noted that the tallest house type proposed within the scheme, house type A, is located along one of the highest areas of land along this

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northern boundary. It would appear that adequate distances to boundaries have been provided along the northern boundary, with the exception of dwellings 62-64 which have distances of approx. 8-10m from the rear boundary.

The applicant is requested to address concerns in relation to overlooking/visual dominance of dwellings along the northern section of the site on Drumnigh Woods via the submission of additional cross sections illustrating the dwellings in Drumnigh Woods.

Bungalows along Drumnigh Road

There are 2 existing bungalow dwellings immediately adjoining the development boundary to the northwest of the site. These dwellings front onto Drumnigh Road. The applicant proposes house types B & C in proximity to this northwest boundary, with rear garden depths of approx. 12-13m, with the overall height of these new dwellings being 10.5m. It is the view of the Planning Authority that the proposed 3 storey dwellings would be visually overbearing at this location with regard to the impact on the neighbouring bungalow dwellings. Dwelling F2 on site 5, which is a distance of 8m from the rear garden boundary of the neighbouring bungalow, would also seriously impact on the residential amenity of the existing dwelling. It is the view of the Planning Authority that the dwellings on sites 1-4 should be reduced in overall height so as to mitigate the visual impact of these dwellings on the existing bungalows. In addition the dwelling on site 5 appears too close to the boundary at 8m, with overlooking from the gable windows. Notwithstanding the impact on the neighbouring property, it is the view of the planning authority that the dwelling F2 on site 5 has a poor outlook given its position relative to site 4 and 6, resulting in overdevelopment of this corner of the site. The applicant should also be requested to submit an elevation/cross section showing the reduced height dwellings on sites 1/2 and the neighbouring bungalow in order that a full assessment of the visual impact of the proposal can be undertaken.

Dwelling Mix, Unit Types, & Design

Dwelling Mix & Unit Types

Fingal Development Plan 2011-2017 states in relation to housing mix that a suitable mix of housing types should be provided in new residential areas to meet the needs of residents. Homes, whether apartments, traditional houses or otherwise, should be adaptable to the life stage of those living there. The needs of a family with children are very different to those of an elderly couple. However, the basic structure of the home should be easily adaptable to accommodate these different life stages. Residential units should be designed so that they are easily adaptable in the future.

Objective RD04

Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

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Objective RD05

Ensure all new residential schemes are designed so that units are easily adaptable in the future.

Objective RD06

Support appropriately designed access facility improvements to the main entrance of residences, including the use of approved external stair-lifts.

The scheme proposes 270 units with the following mix:

- 84 no./31% 3-bed houses (62 of which are designed the same as the 4 bed units, therefore 22 are in effect 3 bed, ie 8% of the development, with overall 58.5% 4-bed units)
- 96 no./36% 4-bed houses
- 90 no./33% 5-bed house

166 of the units are semi-detached, 20 are detached and 62 are terraced.

The Planning Authority notes that 62 of the 3-bed units are C type dwellings and have been designed in the exact same way as the 4-bed B type dwellings. The only difference is the floor plan at attic level of the C units is shown as empty, while being of the same design as the B types.

Given the overall number of housing units proposed (270), the Planning Authority has concerns about the actual number of 3 bed units being provided for within the scheme. While it is acknowledged that homes should be adaptable, it is felt that the scheme is not truly inclusive in that there are a limited number of smaller units (22 no. 3 bed/8%) within the development to meet the diverse needs of residents. The applicant should consider the inclusion of a greater number of smaller units for a more varied and vibrant community, in accordance with objective RD04 of the Fingal Development Plan 2011-2017.

Design of New Dwellings

The Planning Authority has examined the design of the dwellings proposed. There are 7 house types, with variations within each house type allowing for minor variations on each design theme, eg use of dormer projection vs roof level projecting pitch feature; variation in level of brick to be used; amendment of layout for corner sites etc. It is stated that it is proposed to split the site into 3 character areas through variation in elevation treatments and building layout. Predominantly brick fronted houses are proposed to the east and west, with a lighter rendered treatment to houses in the centre of the site. The design of the dwellings is varied between 3 storey dwellings with square dormer projections and 3 storey dwellings with roof level projecting-pitched feature. 26 of the 270 dwellings are 2 storey in design.

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In the interests of clarity in relation to the 3 storey dwellings, the applicant is requested by way of additional information to demonstrate that all bedrooms proposed on the second floor of the dwellings complies with building regulations standards in terms of floor to ceiling height and Fingal County Council standards in terms of room sizes. The applicant is also requested to confirm compliance with fire regulations standards.

House Type A

This is the tallest house in the development at 11m. There are 2 rooflights and 2 solar panels on the rear roof plane. The dwellings reads as 3-storey from the front, and as 2-storey from the rear. It is noted however that the rooflights to the rear are positioned low in the roof plane and will result in a high level of visibility/overlooking from these bedrooms. The development plan states under Objective OS35 '*in residential development over 2 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs*'. There are instances in the development where a minimum distance of 22m is achieved between these 3 storey units. The applicant is requested to address this issue by way of additional information.

House Type B

While house type B within the scheme has a width of 5.5m, which is considered to be narrow relative to the height proposed, overall the number of B units within the scheme represents a small portion of the overall development and is in this instance considered acceptable. The Planning Authority is of the view that the applicant in all other instances should obtain a minimum dwelling width of 6m.

It is noted that the position of the rooflight on the rear roof plane, which serves a store room, could result in perceived overlooking and should therefore be positioned higher in the roof plane/omitted from the development.

House Type C

The Planning Authority has particular concerns in relation to the dwelling mix (as indicated in the section above) and also in relation to the design of house type C. House type C has an overall width of 5.2m, with an overall height of 10.5m. In terms of visual impact, the width of the dwellings appear overly narrow relative to their height. The room widths and aggregate living areas meet the minimum standards set down in table RD02 of the Fingal Development Plan, however it is considered that the layout and arrangement are not conducive to ease of access to, circulation within and use of the unit. A minimum width of 6m is considered more appropriate. Overall the design of house type C is considered unacceptable and the applicant should be requested by way of additional information to address this issue.

Juxtaposition of Sites 132-137

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2 sets of 2 storey semi-detached dwellings are proposed on sites 133, 134, 135 and 136 with a finished floor level of 15.3 and an overall height of 8.2m. These dwellings are located 5.4m from the boundary with B type dwellings at their closest point. The B dwellings have a finished floor level of 15.9 and 16 and an overall height of 10.5m. This results in a height difference between the properties of approx. 2.9/3m, which would result in a visually incongruous streetscape at this point, as can be seen on cross section C-C, and would result in potentially significant overshadowing of private open space. While variations in roof profiles are welcomed, these should be graded/stepped so that there is a more natural rhythm to the street and transition between properties. The applicant should be requested to reduce the overall height of the dwellings on sites 132 and 137 to allow for a visually more sensitive transition between the 2 and 3 storey units, or address this issue via an alternative design solution/omission of units.

Juxtaposition of Sites 117-119 and 150-152

Given the changes in finished floor level, overall height, and reduced garden depth of 9m for sites 117-118 and 151-152, it is the view of the Planning Authority that dwellings 119 and 150 would be overbearing relative to the proposed 2 storey dwellings and impact negatively on the private amenity spaces of these dwellings. It is also considered this arrangement would be visually incongruous particularly when viewed from the main access spine road. There is a height difference between the properties of 3.2 & 3.8m, with the 2 storey dwellings being (at their closest point) 5.9m from the 3 storey units. The applicant should be requested to reduce the overall height of dwellings 119 and 150 to ease the transition between the 2 storey and 3 storey units and to mitigate the visual impact on the amenities of the proposed neighbouring dwellings, or address this issue via an alternative design solution/omission of units.

Juxtaposition of Sites relative to 153; 174; 223; 250; 255

Similarly to the issues outlined above, sites 153, 174, 233, 250 and 255 would be overbearing and visually incongruous relative to the neighbouring 2 storey dwellings. In addition the Planning Authority is of the view that some sites may result in significant overshadowing of private amenity space of the neighbouring 2 storey dwellings. The applicant is requested to address this issue by way of additional information.

Materials & Finishes to Dwellings

The applicant has indicated a mix of brickwork throughout the dwellings in conjunction with a render finish. Overall the finishes of brick and render are considered acceptable in principle. The applicant has not however indicated the colour of brick proposed or the render. This issue, including finishes to dormer windows etc, can be dealt with by way of condition.

Private Open Space

Fingal Development Plan (pg 263) states the following:

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Objective OS38

Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:

- *3 bedroom houses or less to have a minimum of 60 sq m of private open space located behind the front building line of the house*
- *Houses with 4 or more bedrooms to have a minimum of 75 sq m of private open space located behind the front building line of the house*
- *Narrow strips of open space to the side of houses shall not be included in the private open space calculations.*

Areas of private open space for the proposed dwellings do not meet Fingal Development Plan standards in all instances.

In terms of house type C, which the Planning Authority considers to be a 4 bed dwelling, this house type requires a minimum open space of 75 sqm. The majority of the C type units within the scheme have an open space area of between 60-72 sqm.

House type B3 on sites 14 and 34 have a private open space area of 72 sqm. This is below the required 75sqm standard, as per objective OS38 of the Fingal Development Plan 2011-2017.

The applicant is requested to address this issue and ensure all 4 bed units have adequate open space, as per objective OS38 of the Fingal Development Plan 2011-2017.

Overlooking/Separation Distances

The Fingal Development Plan states under Objective OS35 '*in residential development over 2 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs*'. There are instances in the development where a minimum distance of 22m only is achieved between 3 storey units. While the rear of the dwellings, particularly dwellings A, B and C read as two storey dwellings, the positioning of the rooflights low in the rear roof plane will result in a high level of visibility/overlooking/perceived overlooking from the second floor level. The applicant is therefore requested to address this issue through repositioning the rooflights higher in the roof plane/increasing rear garden depths/omission of the rooflights as applicable to address this design issue. The applicant should ensure minimum rear garden distances are met in all instances.

Boundary Treatments

The proposed boundary treatments to the dwellings, as described under section above titled 'Proposed Development', are considered acceptable.

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Boundary Treatment to the Development

The entrance walls to the development from Drumnigh Road are to comprise a 1.1m high stone wall. The rear garden of dwelling 1, which is bounded by Drumnigh Road will be finished with a 2m high stone wall. This treatment is in general acceptable. Details in relation to the colour of stone and coursing can be dealt with by way of condition.

The northern boundary treatment with Drumnigh Woods and the eastern boundary with the railway line is indicated to comprise 1.8m high concrete post with timber infill panels.

A section of the eastern boundary with the railway line adjoining the public open space and the boundary to the southern linear public open space is to comprise a 2.4m high mesh perimeter fence. No colour is indicated. It is noted that the fence is indicated as blocking off access to the pedestrian bridge, whereas the site layout plan shows this access as being open. Clarity is required in this regard.

It is noted that Iarnrod Eireann has stated in their submission that they require building of a 2.4m high solid block boundary wall to the boundary with the railway line and the position of said wall should be agreed with Iarnrod Eireann. This issue can be dealt with by way of condition should permission be granted.

Public Open Space

Under the section of the development plan relating to open space quantity, the development plan states:

It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area. The development site area cannot include lands zoned RU, GB, OS or HA.

Objective OS02

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 OS02A

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 requirement required under Objective OS2 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

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the open space 'accessibility from homes' standards for each public open space type specified in Table OS1.

The Council has the discretion for the remaining open space requirement required under Objective OS2 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 OS1.

The RS site area is approx. 7.9 ha. Based upon the population figures, there is a requirement for 2.36 ha of open space. 10% of the site area equates to 0.79 hectare as a minimum requirement.

The applicant states that 24005 sqm of open space is being provided. The Planning Authority notes that 18000sqm of this is located on GB zoned lands. In accordance with the Fingal Development Plan 2011-2017, the development site area cannot include lands zoned RU, GB, OS or HA. The RS zoned lands is approximately 7.9 ha and this equates to a public open space contribution of 0.79ha. 18000 sqm of open space being provided is considered to be off-site (within GB zoned land) and cannot therefore be included in the calculation of the 10% site area. Based on the calculations submitted by the applicant, 5975sqm public open space is being provided for on-site, however there is a minimum requirement for 7900sqm/0.79 ha. There is therefore a deficit in relation to on-site open space. The overall requirement for 2.36ha can be met through acceptance of off-site provision, as allowed for under OSO2A, provided the applicant increases the on-site provision to 0.79ha.

Landscape Plan

The landscape plan mentioned that there will be 'rough tracks to facilitate cross country running with training equipment installed at intervals'. The developer should provide full details of this training equipment in the form of additional information.

No details on the proposed boundary treatments have being submitted with this application for along the railway line and the wayleave reservation area. These details should now be submitted in the form of additional information.

Trees

On preparing the plan and specifications, the applicant must adhere to Objectives OS28 to OS34 of Fingal County Council's Development Plan 2011-2017 that specifically relate to trees. All trees located in grass verges and within shared surfaces must be planted in integrated constructed tree pits. Details of these constructed tree pits should be submitted and agreed with Fingal County Council as part of the landscape master plan.

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To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted tree report. It is essential that a suitably qualified arborist/ landscape professional is engaged for the duration of the development to monitor site development works and to liaise with the Parks & Heritage Properties Division.

Playground

The location of the playground is not ideal as it has poor supervision, is sited in the furthest most point away from the houses and located adjacent to the railway line. The playground should be located to a more central location within the proposed open space. The applicant should amend the landscape drawings to show the playground in a more centralised area with greater passive supervision.

Under Objectives OS26 and OS27 of the Fingal Development Plan 2011-2017, a playground facility should be provided at a rate of 4 sq. metres per residential unit. There is a total of 270 residential units in this proposed development, therefore an equipped playground of a minimum size 1,080 m² is required for this development. Also a minimum of 1 piece of play equipment shall be provided for every 50 sq. metres of playground. The applicant is proposing a playground of 960 m². This must be increased to a minimum of 1,080m². Full details, equipment layout and specifications should be submitted as part of the additional information. Please note that prior to the taken in charge of the playground an up to date RoSPA certificate is required.

Boundary Treatment of the Stream

A stream traverses east-west the southern section of the site and runs to the south of the proposed attenuation area. It is unclear how the stream is to be treated, if the existing embankments are to be graded and if any type of fence is being proposed.

The section drawings of the stream indicate a very steep bank on the open space side of the stream. It would be very difficult for a child to get out of the stream especially during floods if they fell in. The bank should be graded and stepped, with no slope greater than 1:4, to provide an area where a child can easily exit the stream. The landscape master plan and sections should be amended to address this situation and resubmitted in the form of additional information.

Archaeology

This application is accompanied by an archaeological report, prepared by Irish Archaeological Consultancy (IAC). The report identified three archaeological sites within the proposed development boundary including two RMP sites (enclosure DU015-117, enclosure DU015-119) and a figure-of-eight enclosure identified from aerial photography by IAC.

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The Heritage Officer has noted that

'it would appear that the results of these archaeological investigations have not informed the design and layout of the proposed development as required by the Fingal Development Plan 2011-2017. It is clear that new archaeological information has come to light since previous permissions were granted on this site and it is important that proposals for development take full account of this new information.

In line with Government policy the Council always favours preservation in situ over preservation by record. Objective AH05 of the development plan states that schemes should be designed to avoid impacting on the archaeological heritage and should endeavour to preserve all archaeological monuments in situ. In this case the applicants have proposed that RMP DU015-117 and the figure-of-eight enclosure be fully excavated prior to development and therefore preserved by record only. In relation to RMP DU015-119 this is to be preserved in situ although it is not clear from an examination of the site layout plan (Drawing PL02) that this can actually be achieved given the proposed design, layout and landscaping proposals for the scheme. It is noted that Figure 5 in IAC's report entitled "Results of Testing and Geophysical Survey on proposed Development Background" shows a design and layout for the scheme which is different to that shown in Drawing PL02. In addition the report prepared by IAC does not adequately assess the significance of the archaeological sites and does not provide any evidence-based rationale for the mitigation measures proposed in relation to each site. In particular there is no explanation as to why the scheme cannot be designed to ensure that the figure-of-eight enclosure and RMP DU015-117 are preserved in situ as required by Objective AH06 of the development plan'.

Having reviewed the internal report of the heritage officer and the submission from the Department of Arts Heritage and the Gaeltacht, the Planning Authority has concerns in relation to the design proposed for the archaeological site to be preserved in situ and the potential impact of the development on this site. The applicant is therefore requested to update the archaeological report submitted to incorporate an up-to-date site layout plan and undertake a further review of the impact of the development on the archaeology on site.

In addition, the applicant is requested to supply more information by way of a rationale for removing the other two sites within the development lands.

The applicant is requested to address the issues raised by way of additional information.

Transportation

Parking

There are 2 parking spaces per residential unit as per the requirements of Development Plan Standards. There are also an additional 16 visitor parking spaces, this is acceptable

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to the Transportation Planning Section. The layout of the parking however needs to be redressed. The parking for each of the residential units should be taken into the curtilage of each unit.

Traffic calming

The traffic calming layout provided for the proposed development is unclear. There are stretches of road that are in excess of 100m that appear to have no traffic calming. There also appear to be raised table top ramps that extend for in excess of 90m.

Roundabout Design

Details of the roundabout design should be provided to ensure the overrun strip is adequate to provide the entry deflections required to slow the entry speeds of traffic traveling on Drumnigh Road.

Shared Surfaces

The details of the Shared Surfaces can be agreed with the Transportation Planning Section prior to the construction of the proposed development in the event permission is being considered.

Traffic and Transportation Assessment

The Traffic and Transport Assessment previously submitted for the permitted development has been adjusted to account for the additional 62 residential units. The impact of the additional units is not significant. It is also noted that the growth factors used in the assessment are conservative and consequently may overestimate the traffic growth on the surrounding road network.

Pedestrian Links

The proposed pedestrian links to the Portmarnock Railway Station rely on the consent of third party land owners and the identifying of existing way leaves or the provision of new way leaves. Information in this regard has not been provided.

Future upgrade of the Railway Infrastructure

Iarnród Éireann has made an observation with regard to the lack of provision for a reservation for the future upgrading of the existing railway line. This has not been addressed by the applicant in the proposed application.

It is noted that the Portmarnock South LAP requires that provision be made for a reservation from the existing tracks for future widening of rail tracks within the LAP lands in agreement with Iarnród Éireann. Planning permission ref F13A/0248 (currently on appeal) provides for a reservation area on the eastern side of the railway line to this application.

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Water Services

Additional information is required in relation to surface water and foul sewer issues.

Plans and elevations of the pumping station have been submitted. The building will be 4.8m high. There is a lack of clarity in relation to how the boundary of this site will be treated.

Greater Dublin Drainage Project

There is a proposal to construct a significant public sewer through the southern part of the site, in proximity to the proposed pumping station. A wayleave area relating to the pipeline is indicated on the site layout drawing (outside the red site boundary and within blue ownership boundary).

The Planning Department has consulted with the GDD Project Team. The wayleave indicated is not accurately shown. In addition the pumping station is shown outside the wayleave. The applicant is requested by way of additional information to confirm the exact location of the wayleave and position of the pumping station outside the wayleave in consultation with the GDD to ensure the proposal does not impact negatively on the GDD project.

Screening for Appropriate Assessment

The document submitted by Roger Goodwillie & Associates in relation to screening for appropriate assessment has been reviewed. The Planning Authority is of the view that there will be no significant adverse impacts to Natura 2000 sites as a result of the proposed development, provided that appropriate SuDS measures are implemented in accordance with the requirements of the Fingal Development Plan and that run-off and pollution control measures are in place and implemented at construction stage.

A draft construction management plan is required which sets out the measures to be put in place to address run-off from the site at construction stage and the management of site works during construction to ensure that no pollution enters the on-site stream.

Construction Waste Management Plan

A Construction & Waste Management Plan has not been submitted with this application, which is required, as part of **Objective WM13**, which states:

Require that construction and demolition waste management plans be submitted as part of any planning application for projects in excess of any of the following thresholds:

- *New residential development of 10 units or more*
- *New developments other than above, including institutional, educational, health and other public facilities, with an aggregate floor area in excess of 1,250 sq m*
- *Demolition/renovation/refurbishment projects generating in excess of 100 m³ in volume, of C&D waste*

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- *Civil engineering projects in excess of 500 m³ of waste materials used for development works on the site*

Social and Affordable Housing Provision

A condition requiring the Applicant to comply in full with the requirements of Part V of the Planning and Development Act (as amended) will be included in any grant of planning permission.

Dublin Airport Authority - Outer Airport Noise Zone

The DAA request that the existing and predicted noise environment of the subject site be fully assessed and appropriate mitigation put in place. The DAA requests that this take place prior to further consideration of this application.

Creche/Childcare Facilities

The lands are located within the Outer Public Safety Zone of Dublin Airport, a full childcare facility cannot therefore be accommodated within this application site.

Public Art

The following objective of the Fingal Development Plan 2011-2017 is of relevance to this application:

Objective UD11

Require new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sq m to provide for a piece of public art to be agreed with the Council.

The applicant should be requested to address this objective.

Conclusion:

The proposed development is for 270 dwellings on a site of 11.9ha (zoned RS and GB) at a density of 23 units per hectare.

The principle of residential development at this location is in accordance, in principle, with the zoning objective for the area, RS, and the residential density guidelines. However there are a number of issues in relation to the site layout, pedestrian connectivity to the DART station, design and mix of dwellings, transportation, water services and archaeology.

It is recommended that Additional information be requested to further assess the proposed development.

The following Additional Information was requested from the applicant:

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1. The applicant states in the 'Planning Report' submitted with the application, that pedestrian linkage to the lands east of the railway line will be via an existing footbridge and it is proposed to provide a linear open space along the eastern railway embankment leading northward over third party lands, allowing for more direct pedestrian access to the Portmarnock DART station. The applicant is requested to detail how this key tenant of pedestrian permeability and accessibility can be achieved as part of this application. The Planning Authority is of the view that direct pedestrian/cyclist connectivity to the DART station at Portmarnock is vital in terms of the sustainable development of this significant proposal for 270 dwelling units. The applicant is requested to indicate what wayleaves/rights of way exist in relation to this bridge and if upgrade works to the bridge are required to meet Iarnrod Eireann requirements. Clarity is also required in relation to what boundary treatment is proposed to this bridge and environs.
2. The applicant is requested to submit a phasing programme for the proposed development, addressing in particular phasing of the development in tandem with delivery of a direct pedestrian/cyclist connection to Portmarnock DART station via the existing bridge over the railway line and open space/recreational infrastructure.
3. The applicant states that 24005 sqm of open space is being provided. The Planning Authority notes that 18000sqm of this is located on GB zoned lands. In accordance with the Fingal Development Plan 2011-2017, the development site area cannot include lands zoned RU, GB, OS or HA for the purposes of calculating open space requirements. The applicant is requested to submit a revised schedule in relation to the provision of public open space demonstrating compliance with objectives OS02 and OS02A of the Fingal Development Plan 2011-2017, which require a minimum 10% of the development site area (RS zoned land only) to be designated for use as public open space. The Planning Authority note that the RS zoned lands are approximately 7.9 ha in area and this equates to a public open space requirement of 0.79ha to be delivered on site in accordance with objective OS02A. Based on the calculations submitted by the applicant, only 5975sqm public open space is being provided for on-site and there is therefore a deficit in relation to on-site open space provision.

It is in any event noted that a portion of class open l space and pedestrian routes are located outside of the application site boundary. The courtyard of this open space arrangement or lack of certainty regarding the delivery of all open space as identified in the landscape plans is a concern for the Planning Authority. You are requested to address this issue having regard to the Planning Authority's concerns.

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4. It is the view of the Planning Authority that the proposed development raises a number of concerns in relation to layout, juxtaposition of dwellings, open space standards, design width of dwellings and parking arrangements. The applicant is requested to review the layout/design of the scheme, taking account of the following design issues:
 - a. With regard to house type C, this dwelling type while stated to be a 3 bed unit, is designed with a second floor level capable of being a 4 bed unit. It is noted that the design is similar to that of house type B, which is a 4 bed. The Planning Authority has concerns about the actual number of 3 bed units being provided for within the scheme. While it is acknowledged that homes should be adaptable, it is felt that the scheme is not truly inclusive in that there are a limited number of smaller units (22 no. 3 bed/8%) within the development to meet the diverse needs of residents. The applicant should include a greater number of smaller units for a more varied and vibrant community, in accordance with objective RD04 of the Fingal Development Plan 2011-2017.
 - b. In terms of house type C, which the Planning Authority considers to be a 4 bed dwelling, this house type requires a minimum open space of 75 sqm. The majority of the C type units within the scheme have an open space area of between 60-72 sqm. The applicant is requested to ensure all 4 bed units have adequate open space, as per objective OS38 of the Fingal Development Plan 2011-2017.
 - c. House type B3 on sites 14 and 34 have a private open space area of 72 sqm. This is below the required 75sqm standard, as per objective OS38 of the Fingal Development Plan 2011-2017.
 - d. House type C has an overall width of 5.2m, with an overall height of 10.5m. In terms of visual impact, the width of the dwelling appears overly narrow relative to its height, with the roof profile contributing to the disproportionate scale of the dwellings. In addition, while the room widths and aggregate living areas meet the minimum standards set down in table RD02 of the Fingal Development Plan, it is considered that the layout and arrangement are not conducive to ease of access to, circulation within and use of the unit. Overall the design of house type C is considered unacceptable and the applicant is requested to submit revised floor plans and elevations indicating a minimum house width of 6m per dwelling. The applicant should note that additional house designs 5.5m in width, above what are already proposed, will not be considered acceptable.
 - e. Given the changes in ground levels, finished floor levels, overall height, and much reduced garden depths of 6-9m for a number of sites comprising semi-detached units of E/E1 and F/F1, the applicant is requested to address the

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juxtaposition of these 2 storey sites and adjoining 3 storey sites, having regard to view of the Planning Authority that some of the arrangements are overbearing on neighbouring properties, visually incongruous in the streetscape and give rise to potential for significant overshadowing of private amenity space of some properties. The applicants should note in particular sites 117-118 relative to site 119; and 151-152 relative to 153 (which has 3.8m height difference within distance of 6m between rear gable walls). Similarly issues arise in relation to sites 153, 174, 233, 250 and 255, which would be overbearing and visually incongruous relative to the neighbouring 2 storey dwellings. In addition the Planning Authority is of the view that some sites may result in significant overshadowing of private amenity space of the neighbouring 2 storey dwellings. The applicant is requested to address these design issues and submit revised house designs/site layout accordingly. It is also requested the applicant demonstrate compliance with Objective RD13 of the Fingal Development Plan 2011-2017, Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 1991) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

f. The Fingal Development Plan states under Objective OS35 'in residential development over 2 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs'. There are instances in the development where a minimum distance of 22m only is achieved between 3 storey units. While the rear of the dwellings, particularly dwellings A, B and C read as two storey dwellings, the positioning of the rooflights low in the rear roof plane will result in a high level of visibility/overlooking/perceived overlooking from the second floor level. The applicant is therefore requested to address this issue through repositioning the rooflights higher in the roof plane/increasing rear garden depths/omission of the rooflights as applicable to address this design issue.

g. It is the view of the Planning Authority that the proposed 3 storey dwellings on sites 1-4 would be visually overbearing at this location with regard to the impact on the existing bungalow dwellings, to the northwest of the site. The applicant is requested to reduce the overall height of these dwellings so as to mitigate the visual impact on the neighbouring bungalows and to submit revised plans and a cross-section showing a revised design relative to the neighbouring bungalow.

h. The applicant is requested to amend the design of the dwelling of site 1 in order to present a 'frontage' to Drumnigh Road.

i. Dwelling F2 on site 5, which is a distance of 8m from the rear garden boundary of the neighbouring bungalow, would seriously impact on the residential amenity

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of the existing dwelling. Notwithstanding the impact on the neighbouring property, it is the view of the planning authority that the dwelling F2 on site 5 has a poor outlook given its position relative to site 4 and 6, and its garden depth of 6m, resulting in overdevelopment of this corner of the site. The applicant is requested to omit dwelling F2 on site 5 from the proposed development and reposition the dwelling on site 6 and increase its rear garden depth to a minimum of 10m.

j. All dwellings within the scheme should cater for parking within their respective curtilages. The applicant is requested to submit a revised site layout plan addressing this issue.

5. The applicant is requested to address the visual impact of the development through the submission of additional cross sections through the scheme showing existing neighbouring dwellings and to submit photomontages/elevations of the proposed development as viewed coming from the north and south of Drumnigh Road and also as viewed from across the greenbelt from Mayne Road.
6. With regard to the impact on the dwellings within Drumnigh Woods, no cross section through any of the dwellings proposed along the northern boundary showing the ridge level of dwellings within the neighbouring Drumnigh development has been submitted. It is noted that the tallest house type proposed within the scheme, house type A (11m), is located along one of the highest areas of land along this northern boundary. The applicant is requested to submit additional cross sections showing in particular the dwellings on sites 72/73 relative to the ridge levels of the dwellings to the rear. The applicant is also requested to address the issue of potential overlooking from the low level rooflights on the rear elevations on dwellings along this northern boundary.
7. The applicant states that it is proposed to provide deep gardens to dwellings along the northern boundary of the site, where the dwellings adjoin Drumnigh residential development, and ensure generous separation distances are achieved between the established and proposed dwellings. However, it is noted that dwellings 62-64 have distances of approx. 8-10m from the rear boundary. The applicant is requested to provide a minimum rear garden distance in this area of 12m and to submit a cross section through this area of the site, indicating the ridge level of dwellings within Drumnigh Woods.
8. In the interests of clarity in relation to the 3 storey dwellings, the applicant is requested to demonstrate that all bedrooms proposed on the second floor of the dwellings comply with building regulation standards in terms of floor to ceiling

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height and Fingal County Council standards in terms of room sizes. The applicant is also requested to confirm compliance with fire regulations standards.

9. With regard to the Landscape Plan submitted, the applicant is requested to clarify the following points:
 - a. No details on the proposed boundary treatments have being submitted with this application for along the railway line and the wayleave reservation area. The applicant is requested to submit additional drawings in this regard.
 - b. The landscape plan mentioned that there will be 'rough tracks to facilitate cross country running with training equipment installed at intervals'. The applicant is requested to provide full details of this training equipment.
 - c. The applicant is requested to relocate the playground to a more central location within the proposed open space and submit revised plans accordingly.
 - d. Under Objectives OS26 and OS27 of the Fingal Development Plan 2011-2017, a playground facility should be provided at a rate of 4 sq. metres per residential unit. There is a total of 270 residential units in this proposed development, therefore an equipped playground of a minimum size 1,080 m² is required for this development. Also a minimum of 1 piece of play equipment shall be provided for every 50 sq. metres of playground. The applicant is proposing a playground of 960 m². The applicant is requested to increase the size of the playground to meet development plan standards. Full details, equipment layout and specifications should also be submitted.
10. A stream traverses east-west the southern section of the site and runs to the south of the proposed attenuation area. It is unclear how the stream is to be treated, if the existing embankments are to be graded and if any type of fence is being proposed. The applicant is requested to submit revised plans indicating the grading and stepping of the bank to the stream, with no slope greater than 1:4, to ensure safe provision of an area where a child can easily exit the stream if an incident were to occur. The landscape master plan and sections should be amended to address this issue.
11. The applicant is requested to address the following transportation issues and to contact the Transportation Planning Section prior to the submission of additional information:

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- a. The applicant is requested to submit a revised layout including parking for each residential unit contained within the curtilage of the respective units. The visitor parking can remain separate.
 - b. The applicant is requested to provide details of the proposed roundabout, in particular the overrun strip.
 - c. The applicant is requested to clarify the proposed traffic calming layout.
 - d. The applicant is requested to provide information detailing the necessary letters of consent and rights of way required for the provision of the pedestrian link to Portmarnock Railway Station.
 - e. The applicant should provide information detailing how the future upgrading of the railway line is to be accommodated with regard to the proposed development.
12. The applicant is requested, in line with objective AH07 and AH09 of the Fingal Development Plan 2011-2017, to submit information showing design, layout, and landscaping proposals for the scheme which will ensure that RMP DU015-119 is preserved in situ and that the presence of this site is recognised by residents and by those managing open space lands in the future. It is noted that the archaeological assessment does not contain a correct site layout plan of the proposed development and the applicant is therefore requested to reassess the proposal. This may require elements of the scheme to be re-designed to achieve the desired outcomes in relation to protection of the archaeological heritage on the site.
 13. The applicant is requested to submit additional information detailing the archaeological significance of the figure-of-eight enclosure and RMP DU015-117 which provides a clear evidence-based rationale for any mitigation measures proposed which must meet the requirements of the Fingal Development Plan, in particular objective AH06. This process may also require that elements of the scheme are re-designed to ameliorate impacts of the proposed development on these archaeological sites.
 14. The applicant is requested to confirm the exact location of the wayleave and position of the pumping station outside the wayleave in consultation with the Greater Dublin Drainage Project Office to ensure the proposed development can be facilitated alongside the GDD project.
 15. The applicant is requested to submit a Construction and Waste Management Plan and to include a section on Environmental Construction Management, which sets

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out the measures to be put in place to address run-off from the site at construction stage and the management of site works during construction to ensure that no pollution enters the on-site stream and to ensure no implications in terms of appropriate assessment.

16. The applicant is requested to address the following issues in relation to surface water:
 - a. The proposed foul pumping station is situated in close proximity to a stream tributary of the Mayne River. In order to protect, improve and enhance the natural character of the watercourses within the county and in order to meet the objectives of the Water Framework Directive, sustainable urban drainage requirements and the Greater Dublin Strategic Drainage Study a riparian strip of a minimum width of 10 metres must be maintained either side of all watercourses. The applicant has failed to maintain this riparian strip. The applicant is requested to submit a revised pumping station layout clearly showing the required riparian strip. The applicant is also requested to confirm that the design of the foul pumping station and associated ancillary works has had reference to the risk of pluvial and/or tidal flooding on the subject site; and to clarify the emergency overflow arrangements for the proposed foul pumping station in the context of the protection of the watercourse from potential pollution.
 - b. Section 2.2.1 of Infrastructure Design Report states that the 'site gradients in the north easterly direction fall gently towards two open drainage ditches which run along the northern and eastern boundaries'. The applicant is requested to clearly show the location, layout and levels of these drainage ditches on the site services plan.
 - c. The Sustainable Urban Drainage Solution proposed should as far as possible mimic the natural drainage pattern of the existing site. The applicant is requested to clarify why all surface water is being brought to the southern side of the site.
 - d. The proximity of Bioretention Areas to proposed domestic dwelling at some locations within the development is unacceptable. Bioretention areas should be situated a minimum of 5 metres from any dwelling. The applicant is requested to submit a revised site services layout in compliance with this requirement.
 - e. The attenuation device to the south of the site is referred to as an infiltration basin. It is indicated in the *Infrastructure Design Report* that the infiltration rate on the site is negligible. The applicant is to confirm what level of long term storage is achievable by the Infiltration Basin.

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- f. The applicant is requested to provide details of the culvert size to be provided. The developer is to design the culvert in accordance with the "Culvert Design Guide" CIRIA Report 168. The culvert is also to comply with the recommendation of the OPW. Prior to commencement of construction the developer shall submit drawings and design calculations for the culvert.
17. The applicant is requested to address the following issues in relation to water supply:
- a. All developments with more than 40 properties are required by Fingal County Council to have a second branch supply to provide resilience to the local network. The applicant is requested to submit a revised water supply layout including this requirement.
 - b. The applicant is requested to confirm that the location of valves will ensure that no more than 40 properties (or 15 commercial units) lose water from a burst in the system. The applicant is requested to confirm that the current layout adheres to this requirement.
 - c. The water mains are situated less than one metre from property boundaries at a number of locations. The landscape drawings illustrate planting leaving walkway widths of the order of 1 metre in width. The applicant is requested to submit a revised watermain layout clearly delineating incurtilage and outside curtilage parking and public footpath layouts and clearly showing all water mains situated in public areas with sufficient space provision to facilitate ongoing operation and maintenance.
18. The applicant is requested to address the following issues in relation to foul sewer:
- a. The applicant is requested to submit a foul drainage layout showing the foul sewer to the point of connection to the North Fringe Sewer.
 - b. The applicant is requested to submit design calculations illustrating the capacity of the existing sewer in Castlemoyne to accommodate the flows.
 - c. The foul drainage network at Castlemoyne is not currently in charge of Fingal County Council. The applicant is requested to confirm that there is an agreement in place to connect the development at this location. The applicant is requested to confirm that this is the optimal connection point for this development.

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19. The applicant is requested to assess the existing and predicted noise environment of the site. This noise assessment should include details of proposed construction methodology to mitigate noise impacts given the sites location within the outer airport noise zone and proximity of the dwellings to the railway line. Details of all measures to provide satisfactory noise insulation to the proposed dwellings are requested.
20. The applicant is requested to consult with Iarnród Éireann and consider their requirements as set out in their submission in relation to this application. Any design changes should be discussed with the Planning Authority prior to the submission of additional information.
21. The Infrastructure Design Report submitted with the application states that the pumping station will be bound by a 2.4m high steel palisade fence and planting will be provided around the site as per the landscape drawings. The Planning Authority notes that the drawings indicate a 2.4m high mesh fence with no planting around the site. The applicant is requested to clarify proposed boundary treatment and landscaping proposals.
22. The applicant is requested in accordance with objective UD11 of the Fingal Development Plan 2011-2017 to provide for a piece of public art to be agreed with the Council.

UON/MmcG

Subsequent report of the Planning Officer typed 16th December 2014.

A response to the request for Additional Information was received on 24th November 2014.

Assessment of the response to the request for Additional Information is as follows:

Departmental Reports

Transportation: Report notes deficiencies in the information submitted.

Water Services: No objection, subject to conditions.

Irish Water: No objection.

Greater Dublin Drainage Project: Report notes no objection subject to condition.

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Park & Heritage Division: Report notes deficiencies in the information submitted.

Environmental Health Officer: Report notes no objection subject to condition.

Heritage Officer: Report notes no objection.

Environment Department: Report notes no objection subject to condition.

Prescribed Bodies

DAA – No comment on FI received.

Iarnrod Eireann – No comment on FI received.

Department of Arts Heritage & The Gaeltacht – It is noted that should permission be granted, recommendations of the archaeology report should form part of any grant of permission.

Item 1 Response & Assessment

The applicant states they support pedestrian access over the bridge, however, they do not have control over third party lands on the opposite side of the bridge and cannot therefore deliver full access to the DART station. The applicant states that the owner of the lands to the east of the railway enjoys a right of way across the bridge for access purposes and that the existing bridge facilitates vehicular movement. The applicant has not indicated what works would be required to use the existing agricultural bridge for pedestrian purposes.

The Planning Authority notes the applicant's submission and remains of the view that the delivery of pedestrian connectivity from these lands to the DART station east of the line is a key component in the delivery of a scheme of 270 dwellings at this location, which has limited connectivity to a high quality public transport network. At a minimum, the development should provide for the early phased delivery of a pedestrian path through the development lands up to the existing pedestrian bridge, which will facilitate direct pedestrian access to Portmarnock Railway Station over time. Given a right of way over the bridge and these lands currently exists, the applicant should not put up a boundary blocking access. The treatment of the access to the bridge needs to be dealt with to ensure security of access remains in the long term, while also facilitating safe use of this route in the short term.

Item 2 Response & Assessment

The applicant states that it is not feasible to tie the delivery of housing on the application site to the delivery of a link over third party lands, outside the applicant's control.

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The applicant proposes a phasing programme, drawing PL37.

The Planning Authority notes that the lands east of the railway line are in third party ownership. However, it is also recognised that if this access is to be delivered in the future and to be of benefit to the residents in this development, then pedestrian access through the site to the bridge must be delivered in a timely manner. It is noted that drawing PL37 does not provide for the early delivery of pedestrian connectivity to the railway bridge on the eastern side of the lands. Notwithstanding the low density nature of the site, it is in the interests of the proper planning and sustainable development of the area to facilitate and enable the provision of direct and safe pedestrian/cyclist connection to the existing high quality public transport route, i.e. the DART line. The development of this site should support the delivery from the outset of a pedestrian link through the application site, from west to east, up to the existing bridge along the eastern boundary of the lands. In addition the lack of information in relation to what works are required to the existing agricultural bridge to convert to a pedestrian bridge or information in relation to who would commit to undertake these works brings into question the commitment to and deliverability of this important pedestrian link.

Item 3 Response & Assessment

Objective OS02 of the Fingal Development Plan 2011 - 2017 requires a minimum public open space provision of 2.5 hectares per 1000 population. The proposed development gives rise to an open space requirement of 23,625m².

The applicant states that a total of 26,000m² of public open space is being provided, through a combination of pocket parks and a small park and in particular public open space areas 2, 4 and 5 now have increased areas. However it would appear that areas of road and a section of riparian strip have been included in the public open space calculation in error, as can be seen on drawing PL31 'Open Space Diagram'. With regard to the riparian corridor, it is noted that the development plan states the following in relation to green corridors: *'Green corridors are linear open spaces along paths, water courses, planting or other natural features that provide opportunities for walking and cycling, informal recreation, and biodiversity and wildlife migration... Green corridors do not form part of the public open space provision.'* Having re-measured the proposed open space provision, a total of 22,743 m² is being provided. An overall shortfall of 882 sqm exists.

Having re-measured the areas of open space in the RS zoned area, a total of 5,507m² (0.55 ha) of open space is proposed, i.e. less than 10% of the site area. With regard to quantity of open space, the Fingal Development Plan 2011-2017 states *'It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area. The development site area cannot include lands zoned RU, GB, OS or HA'*. It is the view of the Planning Authority,

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that the shortfall of the on-site portion, can be discounted having regard to the exceptional circumstances with regard to the scale and location of open space available immediately adjoining the RS zoned lands and forming an integrated part of the design of the development site. However, the overall total public open space requirements must be in compliance with the development plan standards for this scale of development, which equates to 23,625m². Having re-measured the proposed open space provision, a total of 22,743 m² is being provided, thereby resulting in a shortfall of 882 sqm, which is unacceptable and contrary to the requirements of objective OS02 of the Fingal Development Plan 2011-2017.

Item 4 Response & Assessment

4(a):

In relation to point a, the applicant states the house type C will be marketed as a 3 bed unit. The space at attic level is to be a multi-purpose room, in that it can be used as a den, entertainment room, play room or just as storage. Notwithstanding this, the applicant indicates that due to layout revisions to accommodate extra open space, an additional 3 no. 3 bed units have now been provided.

From examining the schedule of accommodation submitted, it is noted that 3 additional 3-bed of house type E have been added to the scheme and 2 additional 3-bed of house type C have been added.

Housing Mix

<u>Original Breakdown</u>	<u>Breakdown Following FI</u>
31% / 84 no. 3 bed houses (62 of which are C type terraced dwellings and have been designed in the exact same way as the 4-bed B units).	33% / 89 no. 3 bed houses (64 of which are C type terraced dwellings and have been designed in the exact same way as the 4-bed B units).
36% / 96 x 4-bed	34% / 93 x 4-bed
33% / 90 x 5-bed	33% / 88 x 5 bed

The Planning Authority remains of the view that the C type unit is designed as a 4 bed unit and should be assessed as such, particularly in relation to private open space provision and potential overlooking from the 3rd floor level.

With regard to housing mix and considering house type C as a 4 bed unit, the actual % mix of 3 bed units (i.e. 25 x E type units) has increased by 3 units and represents just 9% of the scheme, with 4 bed units representing 58% of the scheme and 5 bed units

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representing 33% of the scheme. The scheme of 270 units in the view of the Planning Authority does not provide an adequate mix of 3, 4 and 5 bed units, catering mainly for larger house types with 91% of the scheme comprising 4+ bed units. This is not considered an adequate mix of housing types to meet *Objective RD04* of the Fingal Development Plan 2011-2017:

Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

It is also noted that national guidance issued within the Urban Design Manual, A Best Practice Guide, May 2009, support inclusivity in residential developments. It is stated '*for a residential development to be considered inclusive, it should include provision for housing of different types, sizes and tenures... On larger developments, the overall mix should be selected to create a mixed neighbourhood that can support a variety of people through all stages of their lives*'. It is the view of the Planning Authority that inclusivity is not achieved in the design of the proposal.

It is the view of the Planning Authority that under provision of smaller type units is not providing for a range of housing types and the suggested mix in the schedule submitted with the application of 1/3 of the scheme being 3-bed, 1/3 being 4-bed and 1/3 being 5-bed would better meet the diverse needs of residents.

Given the issue of housing mix, in addition to the requirement to meet higher development plan standards for a 4-bed dwelling in relation to private open space, the Planning Authority is of the view that the response to this Further Information request is inadequate.

4(b):

With regard to point b in relation to requirement for 75 sqm private open space for a 4 bed unit, the applicant contends that house type C is a 3 bed unit and therefore 60sqm is the standard which should be applied. The Planning Authority considers that a reduced open space standard across a total of 50 units, which are designed as 4 bed units, is substandard and contrary to the proper planning and sustainable development of the area.

4(c):

The private open spaces associated with house type B3 on sites 14 and 34 have been amended to meet the development plan 75sqm standard, as per objective OS38. However it is noted that house type B on sites 155 and 245 now fall below the development plan standard of 75 sqm, where previously they were in compliance with the standard. The private open space provision for these 2 units is contrary to the proper planning and sustainable development of the area.

4(d):

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The Planning Authority raised concerns in relation to the overall width and height of House type C (width of 5.2m, with an overall height of 10.5m). The applicant submits that the house type is acceptable and there is precedent for this width of dwelling in Fingal and across Dublin.

The Planning Authority considers the overall design of house type C, as elaborated upon under the previous points, contributes to the development of substandard units contrary to development plan standards. While it is recognised that the density of the site overall is within national standards, the manner in which the development has been designed and dwellings juxtaposed has resulted in areas below development standards.

4(e):

The applicant states that in regard to visual impact the design of units E and F are wide fronted and serve an important urban design feature of the scheme, turning a corner. The applicant is of the view that the change in height from 2 to 3 storey units provides points of interest creating a more vibrant public realm, while noting that rear garden depths have been increased to a minimum depth of 9m.

In response, the Planning Authority notes that dwellings designed to 'turn corners' are positive in the manner in which they deal with passive surveillance of public streets and such a design is acceptable. The Planning Authority also welcomes designs which work with the natural contours of a site and where overall heights vary and a rhythm is introduced in the street. However, in this instance, it is the juxtaposition of a number of dwellings with their site specific limitations that has given rise to concern. The applicant has submitted a shadow analysis for areas not raised as areas of concerns by the Planning Authority, notwithstanding this, the Planning Authority notes that dwellings with north facing gardens will have less direct sunshine in their gardens. This cannot be avoided in a development of this scale and this is accepted. However, the combination of a north facing garden with a severely restricted outlook due to the presence of a blank elevation across the entire rear width of a private garden, results in a significant loss of outlook and poor private amenity space for residents. The Planning Authority therefore remains concerned in relation to the overbearing nature of the 3 storey units so close to the 2 storey units, given the differences in ground levels, overall heights and orientation of rear gardens. The Planning Authority notes the increase in rear garden depths proposed by the applicant which aids in mitigating this issue. However, in the following instances the issues remain unresolved:

- The house on site 118 is 3.2m lower than the house on site 119 to the rear. The side elevation of house 119 runs across the width of the back garden of dwelling 118, which has a north facing aspect. To mitigate the issue of the overbearing nature of site 119 on 118 and the poor level of outlook for dwelling 118 from their north facing garden, it is recommended that dwelling 119 be omitted from the

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development. Similarly the dwelling on site 150 should also be omitted, where the overall height difference between the properties is 3.86m.

- It is recommended that dwelling on site 173 be omitted from the development, given the significant level differences and loss of outlook from the north facing garden associated with the dwellings to the south. Houses on site 153 and site 177 are considered acceptable given the angle of the garden.
- In the case of sites 251 and 250, any mitigation brought about by increased separation distances proposed by the applicant has been negated by the increase in dwelling height on site 250 by 500mm, with the swapping of house type B with the now proposed house type A1. Site 250 should revert back to house type A1.
- Site 133 has a south facing garden, however the site to the rear of the site is 3.2m higher and extends across the rear width of the garden. It is noted that while site 133 benefits from a south facing garden, this benefit is negated by the dominance of the dwelling on the site to the rear and potential significant overshadowing of the south facing garden for a large portion of the day. Similarly this issue arises with site 224 and 223; 250 and 251; 254 and 255.

4(f):

The applicant states the scheme has been revised to provide a minimum separation distance of 25m between opposing 3 storey units. The applicant states that as the room is set back within the slope of 3 storey dwellings, there is an increased separation distance of 30m at this level, as shown on Drawing PL29A, Section GG.

The revisions to back-to-back distances, particularly in the western side of the scheme, is considered acceptable.

4(g):

The applicant has revised the *location of units 1-4 on the site.*

The revisions to the development are considered acceptable.

4(h)

The applicant refers to drawing PL29A Context Section FF, which shows the elevation to Drumnigh Road. This is acceptable,

4(i)

The applicant states that dwelling F2 on site 5 has been replaced by a new smaller type dwelling E2. This is described as a 3 bed unit with a triple aspect. Unit 5 has also been repositioned with a setback now of 12.5m to the boundary.

The relocation of the unit is considered acceptable.

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With regard to the design, it is noted that the positioning of bedrooms windows between E1 and E2 would result in overlooking between the bedroom windows and inadequate levels of privacy. It is recommended that bedroom 3 in dwelling E1 be repositioned to the rear of the dwelling so that its window is located on the rear elevation and any revised window proposed at this location on the front elevation shall serve a bathroom/storage space only and be of obscure glazing. This issue could be addressed by way of condition.

4(j)

The applicant disagrees that all dwellings should have on curtilage parking. It is stated that this was not achievable for all dwellings for urban design and layout reasons.

The Planning Authority notes that on curtilage parking is not provided for the following sites: 118, 117, 152, 146, 124, 164, 176, 175, 174, 190, 192, 207, 208, 206, 191, 190, 225, 239, 270, 269, 268, 267, 253, 252, 251, 51, 52. In particular it is noted that sites 252 and 251 have no parking provided at all to serve them. The spaces provided for 253 are remote from the site, as are those serving site 51, and are not passively supervised due to their location. This is the case for a number of different sites across the scheme.

It is difficult to ascertain why parking has not been included within the curtilage of a number of the sites, which appear to have space for parking on curtilage if the strips/sections of open space adjoining the dwellings had been rationalised and incorporated within the site boundaries.

Overall the Transportation Planning Section has raised the following concerns with the parking arrangement:

1. Not all of the on-street parking provided is passively overlooked by the residential units. This causes a security concern for vehicles parked in these areas.
2. The parking spaces have not been allocated to each of the units they are provided for. A management system will be required to ensure unauthorised parking does not adversely affect residents' allocated parking.
3. The on-street parking spaces provided are constructed from permeable paving to address the suds requirements of the proposed development. The Council does not take areas of permeable paving in charge due to the associated maintenance costs.
4. The location of the on-street parking relative to the footpath and access road causes issues with regard to public liability and the taking in charge of the public areas of the proposed development. The parking spaces effectively become islands of private ownership in public space. If the parking spaces were taken in charge then they could not be allocated to individual units and instead become public parking spaces.

Item 5 Response & Assessment

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The applicant has submitted revised cross sections, which address the Further Information point.

Item 6 Response & Assessment

Section CC includes the neighbouring houses in Drumnigh relative to units 72 and 73. The overall distance between the existing and proposed dwellings is 26m. This is considered acceptable. While the applicant argues that the asymmetrical roofs to the rear of the proposed dwellings eases the transition between the proposed and neighbouring 2 storey dwellings, the Planning Authority remains of the view that overlooking is an issue which needs to be fully considered with regard to this house type. The Planning Authority considers the distance between properties of 26m a mitigating factor.

It is noted that houses 95 and 96, while having minimum rear garden depths of 12m, are closer to the units in Drumnigh Woods with the location of the dwellings within Drumnigh closer to this shared boundary. It is considered appropriate that the house type A1 on sites 95 and 96 are switched to house type B1, which has a storage room on the rear elevation at attic level, the glazing of which should comprise obscure glazing in this instance. It is noted that while the units proposed at this location are in the same position as those permitted under F07A/0624, the unit A type previously permitted at this location was lower in height by 1m and had no attic level accommodation, unlike in this proposed development.

Given the reduced distances to boundary of site 98 and the angle at which 97 and 98 overlook the neighbouring garden of existing property in Drumnigh, it is considered appropriate that house type A1 on sites 97 and 98 be switched to house type B1 and the window to the attic level store room on the rear elevation be of opaque glazing.

Item 7 Response & Assessment

The applicant indicates that the dwellings have been moved approx. 2m south increasing the setback from 10-12m average. Given the design of these dwellings and improved setbacks, the response to this item of Further Information is considered acceptable.

Item 8 Response & Assessment

The applicant has addressed this issue through revised plans submitted.

Item 9 Response & Assessment

The applicant has submitted Further Information in relation to the landscape plan, however, the information submitted is inadequate, as discussed further hereunder.

9(a)

Boundary treatment details are shown on Drawing no. 13654-2-201 by CSR. The applicant proposes a 2.4 metre high wall boundary between the railway and the open

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space area. This should be raised to 2.8 metres in height. It is noted that the submission by McCrossan O'Rourke Manning Architects states that a 1.2 metre timber of wire fence is proposed in this location, which would be unacceptable.

The proposed 2 metre weld mesh fence to the southern boundary (Detail C and E) of the site is acceptable. It should be noted however, that written submission by McCrossan O'Rourke Manning Architects states that a timber and wire fence to the southern side of the stream is proposed, which would not be acceptable.

The applicant notes that no boundary treatment is proposed along the wayleave at present. This area is not included in the site area and has been set aside by the client for future use, until such time the applicant states the area will be graded and seeded.

The proposed mesh fence including Beech hedging is not acceptable as boundary treatment to the playground. This should be substituted with a 1.2 metre bow top, 20mm diameter solid bar, hot dip galvanised and power coated railing, using anti vandal fixings.

A 1.1 metre wall is proposed along the southern side of the entrance to this estate. There is a three metre drop on the other side of this proposed guard wall to the stream. For health and safety reasons this boundary treatment should be substituted with a plinth wall and railing of an overall height of 1.5 metres. This will allow views into the stream area whilst making the area safe for pedestrians and in particular children.

9 (b)

The proposed adult exercise equipment is acceptable in principle. The equipment and surfacing must comply with BS EN 1176 and 1177, RoSPA and NSAC standards for such equipment. Exact details of the equipment to be agreed by condition.

9 (c)

The location of the playground is acceptable.

Playground size:

Under Objectives OS26 and OS27 of the Fingal Development Plan 2011-2017, a playground facility should be provided at a rate of 4 sq. metres per residential unit. There is a total of 270 residential units in this proposed development, therefore an equipped playground of a minimum size 1,080 m² is required for this development. In this regard, the 'natural play area, i.e. the central grassed area with tree log and large rocks etc. shall not be included in the calculation for playground provision. Also a minimum of 1 piece of play equipment shall be provided for every 50 sq. metres of playground.

Proposed tree planting within playground:

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The small areas of grass proposed under a number of trees within the proposed playground would prove difficult to maintain in a sustainable manner. These areas of grass should be substituted with a permeable paving surface.

Final playground design:

The exact details of the playground should be agreed by condition. Please note that prior to the taken in charge of the playground an up to date RoSPA certificate is required.

The Parks & Heritage Division have raised the following additional comments on the submitted landscape plan, which remain unresolved:

- A 2 metre wide mowing strip should be kept along the side of all paths and roads on public open space areas, including on either side of the proposed swale areas.
- Woodland planting on the open space areas should be kept a minimum of 3 metres from sides of paths and roads to allow for growth, ease of maintenance and to reduce the potential of tree roots to cause structural damage to nearby paths in the future.
- The proposed woodland planting on the main open space area consists of isolated blocks or units. These areas should be rationalised to create/ frame defined spaces or views.
- Provision should be made for a minimum 5 metre run-off margin (safety margin around a pitch) around the proposed five aside pitch. This relates particularly to the proposed footpath and woodland and specimen tree planting directly adjoining pitch.
- Shrub and/ tree planting is shown at a number of locations directly adjoining houses within this estate. It is not clear whether these areas are part of private gardens or part of the public domain. A drawing should be provided to clearly show areas which are public and which belong to private properties.

It is considered that a number of these spaces where they to be in public areas, are not feasible to maintain in a sustainable manner, and so there are two options available to the applicant: (i) these areas should be incorporated in the gardens to the adjoining properties gardens or (ii) the areas paved using permeable paving and constructed tree pits. These areas include the areas adjoining the following houses: 1, 10, 14, 34, 39, 151, area between 177 and 153, 206, 209, 87, 226, between 266 and 267, 53, between 144 and 145.

- In relation area of planting along southern side house no. 116(dwelling adjoining existing railway bridge to east side of lands), this area in particular should be

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incorporated into the side garden/boundary line of the dwelling and the boundary itself should be delineated with a railing or combined plinth wall and railing of 1.5 metres in height.

- The proposed pumping station is located within the open space along the southern boundary. It is not clear how exactly the area in the vicinity of this unit will be landscaped in order to ensure ease of grass maintenance and to avoid it becoming an area for anti -social behaviour / gathering point. Details should be provided on how these issues will be addressed.
- All proposed mounded areas on the open space should have a slope of no greater than 1:4.
- Trees:
On preparing the plan and specifications, the applicant must adhere to Objectives OS28 to OS34 of Fingal County Council's Development Plan 2011-2017 that specifically relate to trees. All trees located in grass verges and within shared surfaces must be planted in integrated constructed tree pits. Details of these constructed tree pits should be submitted and agreed with Fingal County Council as part of the landscape master plan. No services shall be located within these areas.
- No tree planting shall take place within 7 metres of public lighting in accordance with the Fingal Tree Strategy which was adopted in 2010.
- To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted tree report. It is essential that a suitably qualified arborist/ landscape professional is engaged for the duration of the development to monitor site development works and to liaise with the Parks & Green Infrastructure Division.
- No services, utilities or trenches, including lamp standards shall be located in the areas shown as public open space, without approval from the Parks & Green Infrastructure Division.
- Proposed bin store areas
It should be noted that areas shown as bin stores shall not be taken in charge by the Council.
- Objective OS09 of the County Development states that 'Open space areas designed to a highly ornate and high maintenance standard will not be taken in

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charge as public open space'. Accordingly, due to the design of Area 1, this open space area will not be taken in charge by the Council.

- Site compounds and storage of all materials must also be agreed on site with the council and may not be sited on the proposed public open space areas. Storage of materials is not permitted inside the line of the tree protection measures.
- Details of the proposed archaeological sign on the open space to be agreed with the Parks and Green Infrastructure Division and the Heritage Section of the Council prior to its manufacture and installation on site.
- Phasing of the delivery of the open space:
The playground should be provided as part of Phase 1 of this development.

Item 10 Response & Assessment

As stated previously, the proposed 2 metre weld mesh fence as shown on the Boundary Treatment drawing by CSR Landscape Consultants along the stream on the southern boundary of the site is acceptable (Detail C and E). It should be noted however, that written submission by McCrossan O'Rourke Manning Architects states that a timber and wire fence to the southern side of the stream is proposed. This fence is not acceptable.

It is stated in the submission that the banks of the stream on the northern side shall be graded to a slope no greater than 1:4. This is acceptable.

Item 11 Response & Assessment

In relation to point a, this issue has been addressed above under item 4(j). The response by the applicant is unsatisfactory to the Planning Authority.

With regard to point e, the applicant states that all dwellings along the eastern boundary with the railway line have been moved 2m west on site although the applicant indicates that the expansion of the railway line is not intended for this side of the development. No response from Iarnrod Eireann has been received.

Item 12 Response & Assessment

The landscape plan shows a re-contoured mounded area in the vicinity of the ringed ditch on the eastern side of the site, nearest the existing railway bridge. This mound should be such as to allow for grass maintenance machinery which a slope of no greater than 1:4. From an archaeological perspective the above ground interpretation of the archaeological feature does not necessarily have to take the form of a mound. This design interpretation requires further agreement. It is important that there is an understanding locally of the monument, whilst also designing an area which can be carefully maintained as well as utilised.

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Item 13 Response & Assessment

The layout and design of the scheme will facilitate the preservation *in-situ* of RMP DU015-119 (Archaeological Area 3). The applicant has committed to provide appropriate signage and information panels on-site to ensure that residents are fully aware of the presence of the site and its archaeological significance.

The information submitted in relation to the figure-of-eight enclosure is satisfactory subject to mitigation measures being complied with.

Item 14 Response & Assessment

Prior to commencement of construction, the developer is required to liaise with the Greater Dublin Drainage project team to agree in writing the exact details of the Wayleave and proposed pipeline location.

Item 15 Response & Assessment

A Construction and Waste Management Plan has been submitted.

The additional Environmental Construction Management Plan submitted by McCrossan O'Rourke Manning Architects is considered adequate. It is the view of the Planning Authority that there will be no significant adverse impacts to Natura 2000 sites as a result of the proposed development provided that measures in relation to surface water management are fully compliant with the requirements of the Fingal Development Plan and that all such measures are implemented in full.

Item 16 Response & Assessment

The Water Services Planning Section is satisfied with the information submitted. The pumping station is now positioned below ground and a 10m riparian corridor has been established. In terms of an above ground presence, *there will be a control kiosk* serving the pumping station – it is unclear what this will look like or what boundary treatments, if any, are required.

Item 17 Response & Assessment

Irish Water is satisfied with the proposal subject to conditions.

Item 18 Response & Assessment

Irish Water is satisfied with the proposal subject to conditions.

Item 19 Response & Assessment

A report from AWN Consulting has been submitted.

Item 20 Response & Assessment

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The applicant has commented on each point with the submission made by Iarnrod Éireann. No further submission has been made by Iarnrod Éireann.

Item 21 Response & Assessment

The applicant states that the pumping station is now to be relocated underground, with the only above ground presence being a kiosk. No boundary treatment to the facility is proposed. Confirmation of the appearance, function and treatment of the above ground element is required.

Item 22 Response & Assessment

The applicant proposes a piece of art in open space area 6, close to unit 177. The design of this piece of art should be subject to agreement with the Planning Department.

Conclusion

The applicant proposes the construction of 270 units on this outer suburban site. The lands comprise 2 zoning categories, RS and GB. There is an existing permission on this site for 222 units under Reg. Ref F07A/0424/ABP PL06F.226731 & F14A/0316. The current application proposes to increase the number and size of units within the development area. The Planning Authority has had regard to the previously permitted development on this site and, following receipt of Further Information, has fully considered the merits of the proposed development taking account of the sites location/connectivity to a high quality public transport route (i.e. the DART line), the layout and design of the scheme, the quantity and quality of public open space, and the design detail of the individual dwelling units proposed.

It is noted that the increased number of units at this location are not linked to the early delivery of a quality direct and safe pedestrian/cycle route to the DART station via an existing right of way over an existing bridge serving at present the existing agricultural lands east and west of the railway line. While the developer states support for such a link, there is no commitment to provide the pedestrian link within the development lands within a reasonable time frame (see phasing programme), thereby leaving this development largely car dependent. It is also noted that the application is silent on what works to the bridge are required or who would ultimately undertake these works to facilitate high quality connectivity to public transport in this area.

With regard to house types, 91% of the scheme comprises 4+ bed units, when the type C units are included in the calculation. The proposal does not therefore achieve the development plan objective for inclusivity and the design of a balanced mix of house types to serve the diverse needs of a new community in a new development.

The Planning Authority has reviewed the overall quantum of open space proposed within the development. As indicated on drawing PL31 the applicant has included adjoining

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roadways, shared surfaces and a riparian corridor within the open space calculations. The total open space area provided falls short of the Fingal Development Plan requirement for public open space to serve this development and provides for a substandard residential development. The proposal therefore materially contravenes objective OS02 of the Fingal Development Plan 2011-2017.

House type C within the scheme is designed as a 4 bed unit, however it does not meet the private open space standards for this size of unit and therefore does not meet the development standards set out under objective OS38 of the Fingal Development Plan 2011-2017. The applicant's argument that the C type unit is a 3 bed unit with possibility for use of the attic for a den/entertainment/storage area cannot be considered reasonable when assessing the residential amenity of this property type against development plan standards. The design of the unit is that it reflects exactly that of proposed 4 bed units with the development, minus a bedroom label on the attic level room. The substandard level of private open space (less than 75 sqm) proposed to serve this type of unit on 50 sites across the scheme is considered unreasonable and contrary to future residential amenity standards.

In addition to the above issues the detailed design and layout of the scheme with regard to juxtaposition of dwellings/sites, location of car parking spaces relative to proposed dwellings, and impact of design on some of the existing residential properties in the area, all give rise to a layout which negatively impacts on the future residential amenities of the area and is contrary to zoning objective RS.

RECOMMENDATION

I recommend that a decision to **REFUSE PERMISSION** be made under the Planning and Development Acts, 2000-2010, subject to the following (4) reason(s):-

Reasons

1. Having regard to the the juxtaposition of dwellings/ sites within the scheme, alongside the detailed design of dwellings relative to existing properties, as well as positioning of car parking spaces in unsupervised locations, and creation of unusable landscaping strips, the proposed layout gives rise to poor residential amenity for future occupants of the development, potential for significant overshadowing of private amenity space and potential for significant overlooking of neighbouring properties. The applicant has failed to demonstrate compliance with Objective RD13 of the Fingal Development Plan 2011-2017 and the proposed development would contravene materially the zoning objective RS 'provide for

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residential development and protect and improve residential amenity' of the Fingal Development Plan 2011-2017.

2. The quantum of public open space proposed for this development of 270 dwellings is below that required by the Fingal Development Plan 2011 – 2017. The proposed development therefore would contravene materially Objective OS02 of the Fingal Development Plan 2011-2017 and would be contrary to the proper planning and sustainable development of the area.
3. The proposed substantial residential development does not provide for a sustainable mix of house unit sizes with 91% of the scheme comprising 4+ bed units. The proposed development would contravene materially Objective RD04 of the Fingal Development Plan 2011-2017: Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.
4. A significant proportion of the proposed dwellings fail to meet the private open space standards of the Fingal Development Plan 2011-2017 (Objective OS38). The proposed development would therefore seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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S. Logan 17/12/14
Senior Executive Planner

noted RLL

Endorsed:

[Signature] 17/12/14
Administrative Officer

Order: A decision pursuant to Section 34 of the Planning and Development Act 2000 (as amended), to **REFUSE PERMISSION** for the above proposal for the (4) reason(s) set out above is hereby made.

Dated

19th December, 2014

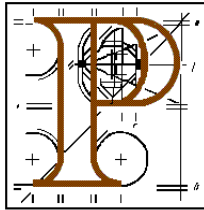
[Signature]
Senior Planner
DIRECTOR OF SERVICES

To whom the appropriate powers have been delegated by Order of the Chief Executive,

dated

11/8/14. C.E. 6225

An Bord Pleanála



Inspector's Report

Development: Construction of 270 no. dwelling houses together with car parking spaces and all associated works and landscaping, townland of Drumnigh, Drumnigh Road, Portmarknock, Co. Dublin

Planning Application

Planning Authority:	Fingal County Council
Planning Authority Reg. Ref.:	F14A/0132
Applicant:	Shannon Homes (Dublin) Ltd.
Type of Application:	Permission
Planning Authority Decision:	To refuse

Planning Appeal

Appellant(s):	Shannon Homes (Dublin) Ltd
Type of Appeal:	First party against the decision
Observers:	daa
Date of Site Inspection:	27 th April 2015

Inspector: Deirdre MacGabhann

1. INTRODUCTION

1.1 This third party appeal relates to an application for planning permission for 270 no. residential units on a site of 11.9ha at Drumnigh Road, Portmarnock, Co. Dublin. Planning permission was refused permission by Fingal County Council for four reasons:

- Poor residential amenity for future occupants and neighbouring properties,
- Inadequate provision of public open space,
- Unsustainable mix of residential units, and
- Inadequate provision of private open space.

1.2 This report sets out background information on the planning application and details of the appeal made. It makes an assessment of the key issues arising and makes a recommendation to the Board to grant permission for the development subject to conditions.

2. SITE LOCATION AND DESCRIPTION

2.1 The appeal site is situated in Portmarnock, County Dublin, approximately 12km north-east of Dublin City Centre. It lies c.500m due south west of Portmarnock DART station, however pedestrian and vehicular access to the station is via the local road network.

2.2 The site lies at the edge of the built up area. It is bounded to the west by the R123 (Drumnigh Road) and to the north-west and north by residential development. To the north-west are three residential properties (Alverna, Mayfield and Twin Cedars) and to the north is housing forming part of the Drumnigh Woods residential development (see attachments). To the east of the site is the DART railway line and agricultural land lies to the east of this line and to the south of the site. GAA grounds lies opposite the proposed entrance to the site on the western side of Drumnigh Road.

2.3 Pedestrian access to the DART station is via Drumnigh Road and Station Road, both of these roads are reasonably heavily trafficked and have a narrow pavement, primarily along one side of the road.

2.4 The site has an open aspect and is visible from Drumnigh Road to the west of the site and Moyne Road to the south of it. An east-west ridge runs across the site, approximately north of its mid-point. The topography falls gently to the north of the site, away from the ridge, and more steeply to the south.

2.5 Existing hedgerows run along the western site boundary, much of the northern and eastern boundaries and for a short length of the southern boundary. Along the southern boundary is a ditch/small stream. There is also a ditch along the eastern boundary of the site (north of the railway line) but it was unclear if this contains any water.

3. PROPOSED DEVELOPMENT

- 3.1 The proposed development, as modified by the provision of further information in November 2014, comprises 270 terraced, semi-detached and detached dwellings on a site of 11.9ha, comprising a mix of three, four and five bedroom houses. Seven basic house types are provided, House Types A to G, with minor modifications within each type to provide a total of 21 individual house types (see revised schedule of accommodation). Houses are arranged to the north of the site and a linear park to the south.
- 3.2 Access to the site is from a new roundabout on Drumnigh Road, to the west of the site, with the main road serving the development running east west across the site. (An arm of the roundabout junction will serve the GAA grounds opposite the proposed site entrance). From this road residential areas are served by a number internal access roads (and a small number of cul-de-sacs), running broadly north south, linked by shared surfaces. Lower density housing (primarily detached and semi-detached units) is arranged along the northern and southern sides of the residential area i.e. backing onto existing residential development or facing the linear park, and higher density housing (primarily short terraces of units) in the central part of the site. Houses are primarily three storey with two storey units providing a repeating pattern of corner units throughout the development to provide frontage along all sides of the residential blocks. Three distinct character areas are provided within the site, to the west, middle and east created by different elevational treatment and materials (see Pre-Planning Consultation Report submitted with the application).
- 3.3 Pockets of open space are provided throughout the development to complement the linear park and a playground, running track and outdoor fitness equipment is provided within the linear park (total public open space is stated to be 26,000sqm). A pedestrian/cycle path runs from roundabout junction with Drumnigh Road to an existing railway bridge, over the railway line, at the eastern side of the site. 556 car parking spaces are provided, with approximately 80% within the curtilage of individual dwellings and the remainder on-street.
- 3.4 The planning application for the development is accompanied by a number of technical reports:
- Planning Report – Describes the location of the development, its planning history and planning policy in respect of the site. It addresses the principle planning considerations associated with the development. The report states that density of the development (23 units per hectare) is within the range appropriate for suburban/greenfield sites (Sustainable Residential Development in Urban Areas, DoEHLG, 2009) and well below the maximum permissible density for new residential development within an Outer

Public Safety Zone of Dublin airport (39 persons per 0.5ha, against maximum of 60 persons per 0.5ha).

- Archaeological Assessment (Report and subsequent letter from archaeological consultants dated 19th November 2015) – Refers to geophysical survey and test trenching which identified the following of archaeological interest within the site:- a large ‘figure of eight’ enclosures; enclosure RMP DU015-117; a ring ditch RMP DU015-119; 19th Century deposits and a brick kiln. Considers that the development would have an adverse impact on two remains (figure of eight enclosure and enclosure DU015-117). Recommends that these two areas (and the brick kiln) are preserved by record, that RMP DU015-119 is preserved in situ (within landscape feature) and that the remainder of the development be subject to archaeological monitoring. States that the recommendations of the Report approved by DAHG.
- Appropriate Assessment Screening Report - Concludes that the development will have a positive impact on the Baldoyle SPA/SAC by increasing the amount of feeding habitat potentially available to the Annex I species of Brent Goose. No listed habitat or species will be adversely affected by the development, so no possibility of wider impact on other Natura 2000 sites nearby, or an impact in combination with the adjacent Maynetown development.
- Infrastructure Design Report:
 - Flood Risk Assessment – Refers to background technical reports and concludes that the site is not subject to either fluvial or tidal flood risk. Relatively minor ponding occurs in south eastern corner of site in 1 in 1000 year rainfall event, but 4m below lowest finished floor level.
 - Sewerage – Foul water to be served by gravity sewer throughout the site which will drain to a pumping station. Pumped from here via rising main to decompression manhole within applicant’s control (Castlemoyne development) and from here will discharge by gravity sewer to the North Fringe Sewer. Development provides a wayleave across the site for the Greater Dublin Drainage Project.
 - Surface Water Drainage – Includes a sustainable urban drainage system (SUDS) for stormwater management, surface water attenuation to below greenfield run-off rate, accommodation of rainfall events up to a 100 year return flood event and allowance for climate change. Surface water to discharge to stream via bypass separator to remove all remaining pollutants.

- Water Supply – To be connected to watermain along R124.
- Traffic and Transport Assessment – Assesses the impact of the additional 62 residential units (uplift from previously approved scheme). Demonstrates that the southern junction of the Drumnigh Road and Moyne Road will be operating above capacity for the both assessment years (2016 and 2026). To facilitate the development in the short term proposes implementing signalisation of the junction with improvements carried out prior to occupation of any dwelling.
- Landscape Design Report – Sets out the strategy for open space provision and planting.
- Tree Survey – Survey of trees on site and identifies those to be retained and protected during construction and operation.
- Noise Impact Assessment – Assesses the existing noise environment and predicted noise environment during construction and operation of development. Makes recommendations for mitigation measures for construction (construction noise and vibration management plan) and operation (glazing specification, attenuated ventilation). Considers that with mitigation in place predicted noise levels will be within recommended criteria.
- Construction and Waste Management Plan – Sets out arrangements for the management of the construction process and waste arising.
- Environmental Construction Management Plan – Sets out arrangements for pollution control.

4. OBSERVATIONS ON THE PLANNING APPLICATION

Prescribed Bodies

4.1 The following observations are made on the planning application:

- Dublin Airport Authority – Site is located within the Outer Airport Noise Zone and the Outer Public Safety Zone. Request that the existing and predicted noise environment of the site is fully assessed, with details of any required mitigation to be submitted to the planning authority.
- Irish Water – Request further information on details of water supply and foul water discharge.
- Iarnród Éireann – Application does not allow for the future widening of the railway line (as per section 6.1.1 of the Portmarnock South LAP). Makes detailed comments on design of scheme in relation to railway (boundary wall) and construction methodology.

- DAHG – Archaeology – Recommends that recommendations of the archaeological report are implemented if planning permission is granted.

Third Parties

4.2 The following parties make observations on the application:

- Links residents, Station Road, Portmarnock – Poor road infrastructure (Station Road) for pedestrians, in particular accessing childcare facilities; proposed development will exacerbate problems; already busy Portmarnock DART Station, no knowledge of plans to improve train service to cope with additional population; rational for granting permission with unfinished housing estates in the area; quality of housing being built; traffic management plan during construction; school facilities to support additional development.
- R. and G. Quish (24 no. Drumnigh Wood, north of development) – Introduction of three storey units (83%); excessive density (23 units per hectare compared to 12 per hectare, Drumnigh Wood); poor layout; overlooking and overshadowing of rear gardens to north; lack of privacy and no regard to existing amenity of residents to north. Excessive density; poor access for pedestrians; sporadic train service; excessive parking provision. Inadequate access – R124 very narrow, badly surfaced and pot-holed, narrow footpath on one side, dangerous stretch of road. Entrance is inappropriately sited opposite busy entrance to GAA grounds. Insufficient capacity on Drumnigh Road to accommodate development. Over reliance on road upgrades and cycle routes proposed in the LAP for the adjoining area. Road improvements, infrastructure and cyclepaths should be in place before development takes place. Overlooking of three storey housing, impact on use of rear gardens and enjoyment of space. Sufficiently zoned land in the Portmarnock south LAP adjacent to the Portmarnock Rail Station. Refer to an application by Sherman Oaks for Phase 1 of these lands (PA ref. F13A/0248¹) on appeal. Will provide 1200 units which is more than adequate for a village the size of Portmarnock. Bland layout.
- Residents of Drumnigh Woods – Impact of high density development on current infrastructure. No information on boundary treatment of proposed houses adjoining Drumnigh Woods (to north), including shared drainage ditch; length of rear gardens and if these comply with development plan standards; overlooking; impact of height/mass/density on amenity of residents. Refer to F09B/0138

¹ Appeal withdrawn.

and planning authority's statement (in request for FI) 'It is the view of the Planning Officer and An Bord Pleanála that a rear depth of minimum 15m should be provided when second floor/attic level accommodation is proposed in order to protect the amenities of neighbouring properties'.

Technical Reports

4.3 The following technical reports on the planning application are on file:

- Water Services (4th December 2014) – No objections subject to conditions.
- Parks Planning Section (10th December 2014) – Concerns regarding inadequate provision of public open space (applicant includes areas of road and riparian strip in calculation) and makes further comments on aspects of the detailed design.
- Greater Dublin Drainage Scheme (24th December 2014) – Wayleave shown on applicant's drawing is not current. However, differences are minor and could be dealt with prior to commencement of development.
- Transportation Planning (10th December 2014) – Concerns regarding provision of on-street parking, absence of overlooking by residential units and taking in charge.
- Heritage Officer (15th December 2014) – Recommends a condition to be attached to the permission requiring implementation of mitigation measures set out in Archaeological Assessment and subsequent letter from IAC (19th November 2014).
- Environment and Water Services (17th December 2014) – No objections subject to conditions.

5. REPORT OF THE PLANNING OFFICER

5.1 The Planning Officer's report (17th December 2014) describes the development and the alterations made by way of further information. It refers to the planning history of the site; the observations made on the application; departmental reports and submissions by prescribed bodies. It concludes as follows:

- The increased number of residential units is not linked to the early delivery of a quality direct and safe pedestrian/cycle route to the DART station. The development is therefore largely car dependent. Application is silent on works to bridge to facilitate high quality connectivity.

- 91% of scheme comprises 4+ bed units (when House Type C included). Does not achieve development plan objective for balance mix of house types.
- Applicant's calculation of open space includes adjoining roadways, shared surfaces and a riparian corridor. Total open space area falls short of County Development Plan requirements and provides for substandard residential development and therefore materially contravenes the development plan.
- House Type C is designed as a four bed unit and does not meet private open space requirements. Do not accept applicant's argument that the additional space will be used as a den/entertainment/storage area for calculation of private open space. Design reflects that of a four bed unit. The substandard level of private open space (less than 75sqm) to serve this type of unit on 50 sites is considered unreasonable and contrary to future residential amenity standards.
- Detailed design and layout of scheme, with regard to juxtaposition of dwellings/sites, location of car parking spaces relative to proposed dwellings, and impact of design on some of the existing residential properties in the area all give rise to a layout which negatively impacts on future residential amenities of the area and is contrary to the zoning objective RS.

5.2 The report recommends refusing permission for four reasons; poor residential amenity for future occupants and neighbouring properties; inadequate provision of public open space; unsustainable mix of residential units and inadequate provision of private open space.

6. DECISION OF PA

6.1 On the 17th December 2014, the planning authority decided to refuse permission for the development for four reasons:

- (1) Having regard to the juxtaposition of dwellings/sites within the scheme alongside the detailed design of dwellings relative to existing properties, as well as positioning of car parking spaces in unsupervised locations, and creation of unusable landscaping strips, the proposed layout gives rise to poor residential amenity for future occupants of the development, potential for significant overshadowing of private amenity space and potential for significant overlooking of neighbouring properties. The applicant has failed to demonstrate compliance with Objective RD13 of the Fingal Development Plan 2011-2017 and the proposed development would contravene materially the zoning objective RS 'to provide for residential development and protect and*

improve residential amenity' of the Fingal County Development Plan 2011-2017.

- (2) The quantum of public open space proposed for this development of 270 dwellings is below that required by the Fingal Development Plan 2011-2017. The proposed development therefore would contravene materially Objectives OS02 of the Fingal Development Plan 2011-2017 and would be contrary to the proper planning and sustainable development of the area.*
- (3) The proposed substandard residential development does not provide for a sustainable mix of house unit sizes with 91% of the scheme comprising 4+ bed units. The proposed development would contravene materially Objective RD04 of the Fingal Development Plan 2011-2017: Ensure a mix of housing types are provided in all residential areas to meet the diverse needs of residents.*
- (4) A significant proportion of the proposed dwellings fail to meet the private open space standards of the Fingal Development Plan 2011-2017 (Objective OS38). The proposed development would therefore seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.*

7. POLICY CONTEXT

National Policy

7.1 The following national policy documents are relevant to the appeal and I refer to them in my assessment below:

- Urban Design Manual – A Best Practice Guide (DoEHLG, 2009).
- Design Manual for Urban Roads and Streets (DoEHLG, 2013).
- Sustainable Residential Development in Urban Areas (DoEHLG, 2009).

County Development Plan

7.2 The proposed development falls within the administrative area of the Fingal County Development Plan 2011-2017. The northern part of the site is zoned for residential development and the southern part for greenbelt:

- *RS – Provide for residential development and protect and improve residential amenity.*
- *GB – Protect and provide for a Greenbelt.*

7.3 The Development Plan refers to national guidance on the achieving quality urban areas and sustainable urban communities and sets out detailed policies in respect of sustainable placemaking, public art, housing mix and adaptability, unit and room sizes and daylight, sunlight and overshadowing and density (see attachments), including the following:

- *Policy Objective RD04 – Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.*
- *Policy Objective RD13 – Ensure all new residential units comply with the Recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E.) and B.S. 8206 Lighting for Buildings, Part 2, 2008: Code of Practice for Daylighting and other updated relevant documents.*

7.4 Policies of the plan make provision for both public and private open space and for a new road through the south eastern part of the site (see attachments):

- *Policy Objective OS02 – Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purpose 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.*
- *Policy Objective OS02A – Require a minimum of 10% of a proposed development site area be designated for use as public open space. (The Development Plan also makes provision for the remaining open space requirement to be provided outside of the development site or by way of financial contribution).*
- *Policy Objective OS38 – Ensure a minimum open space provision for dwelling houses (exclusive of car parking area) as follows:*
 - *3 bedroom houses or less to have a minimum of 60sqm of private open space located behind front building line of the house*
 - *Houses with 4 or more bedrooms to have a minimum of 75sqm of private open space located behind the front building line of the house*
 - *Narrow strips of open space to the side of houses shall not be included in the private open space calculations.*

7.5 The site also falls within the Outer Airport Noise Zone and the Outer Public Safety Zone of Dublin Airport:

- *Objective EE51 – Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone.*
- *Objective EE57 – Promote appropriate land use patterns in the vicinity of the flight paths serving the Airport, having regard to the precautionary principle, based on existing and anticipated environmental and safety impacts of aircraft movements.*
- *Objective EE58 – Implement the policies to be determined by the Government in relation to Public Safety Zones for Dublin Airport.*

Local Area Plans

7.6 Land to the east of the site and existing railway line, falls within the Portmarnock South Local Area Plan 2013 and is designated substantially for residential development (see attachments). It provides a green route alongside the railway line for cyclists and pedestrians to connect to Portmarnock DART Station.

8. PLANNING HISTORY

8.1 The following planning applications have been made in respect of the appeal site:

- F07A/0424/PL06F.226731 – Planning permission granted by the Board for 202 dwellings (permission sought for 208) on a site of 10.42ha.
- F07A/0424/E1 – Extension of duration of permission granted up to and including 28th April 2018
- F08A/0955 – Planning permission granted for amendments to the above (change of house types).
- F09A/0170 – Planning permission granted for amendments to planning permission F07A/0424 (change of house types).

8.2 Reference is made to the following planning permissions on land adjoining the site:

- F13A/0248 – Permission granted on land to the east of the site for the construction of 102 no. dwellings (mix of two and three storey houses). This development lies east of the railway line and provides for a pedestrian/cycle route along its western fringe within the development site. The application was appealed to the Board, but this appeal was subsequently withdrawn.
- F04A/1089; F03A/0455 and F00A/1114 – Permission granted for 91, 33 and 20 dwellings respectively on land to the north of the site Ballymore Properties (Drimnagh Woods development).
- F001A/1114- Permission refused by the Board for 136 dwellings on land to the north of the site, Ballymore Properties (now Drimnagh Woods development).
- F13A/0413 – Permission granted for two no. two storey houses on land north west of the site.
- F10A/0543 – Permission granted and retention permission granted for new boundary wall and extensions to Twin Cedars House (to north west of site).

9. THE APPEAL

9.1 The first party appeal is made on the following grounds:

Context

- 9.2 Site falls within the category of an Outer Suburban /Greenfield site (Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DOEHLG, 2009). Sustainable densities of 35-50 units/ha are recommended for these types of sites and densities of less than 30 units/ha should be discouraged. The permitted layout (F07A/0424; PL06F.226731 and F14A/0316) has a density of 30.4 units/ha. The revised scheme results in 38 units/ha, which is more appropriate at this location. Provision of public open space has not been affected by the increase in density and has increased from 5,980sqm (permitted layout) to 8,050sqm (proposed).
- 9.3 Applicant notes the planning authority's comment regarding delivery of a footpath to the existing railway bridge and state that the applicant is happy to provide this footpath/connection on land within his control if the Board requires its early delivery, suggest it could be included as part of Phase one by condition.

Reason for Refusal 1

Juxtaposition of dwellings/sites within the scheme

- 9.4 Main issue raised by the planning authority is the lack of 'outlook' afforded to the corner dwellings (Unit Type F/F1) and the change in heights from 2/3 storey to 2 storey dwellings which is exaggerated in areas due to changes in floor levels. F/F1 units designed for this corner condition will provide areas of visual interest and distinctiveness. Units will have sufficient outlook (refer to attached drawing, unit 151, northern outlook). Units have a simple L shaped layout with multiple frontages. Shallow depth allows rooms at ground floor to have triple aspect. At first floor windows look to front and side with bathroom areas to rear to reduce overlooking. The rear gardens have good outlook to either side (east/west) and changes in level afford greater privacy. Units comply with best practice (building separation and overlooking). Have spacious internal layout and rear gardens in excess of Development Plan standards. Omission of units would create large gaps in streetscape. High level of residential amenity is provided throughout the scheme, overshadowing of private open space is minimised and adequate set back distances are maintained to avoid overlooking.

Detailed Design of Dwellings Relative to Existing Properties

9.5 Planning authority considered design of dwellings relative to existing properties (Drumnigh Woods) to be acceptable (based on cross sections submitted and minor alterations by way of FI), except for units 97 and 98 which they consider should be switch to a different house type (i.e. from Type A1 to Type B1). Applicant submits that the issue could be addressed by condition, requiring that the bedroom to the rear at second floor be changed to a study/store with obscure glazing on the basis that such a change would not affect the rhythm of the streetscape or symmetry on the public open space that is achieved by units 91-98.

Positioning of Car Parking Spaces in Supervised Locations

9.6 Most of the on-street spaces are located along the spine road to the south of the site adjacent to the linear park, with the intention of eliminating the visual impact of perpendicular parking along this principle route. All car parking spaces will be maintained by a management company for the scheme. Government guidelines on Sustainable Residential Development in Urban Areas; Quality Housing for Sustainable Communities; and Design Manual for Urban Roads and Streets facilitate provision of on street parking. Table 10.3a of the County Development Plan contravenes national policy and should be removed from the assessment of this proposal. Stringent adherence to curtilage parking will lead to an incoherent traditional suburban layout, limiting the possibility of creating distinctiveness, strong streetscapes and areas of interest. Parking spaces are supervised by one or more adjacent units. On street spaces will be designated to units and controlled by the management company. Submit revised details with parking arrangements for units 251 and 252 (2 spaces each adjoining the housing units). The location of the car parking for units 51 and 53 is adequate (four spaces in front of house nos. 51-53 serving units 51 and 52; unit 53 served by two spaces provided on curtilage around the corner). Unit nos. 253 and 254 are provided with 4 no. spaces to the side of Unit 254.

Creation of Unusable Landscaping Strips

9.7 Management company will be responsible for maintaining the shrub and tree planting areas directly adjoining houses within the estate and which are considered to be vital to the overall landscaping proposal providing visual interest, helping to create reference points and improving legibility leading to a high quality public realm. The small landscaping items identified in pages 46-50 of the Planning Officer's report are still

unresolved but are small design issues that could be resolved through a compliance submission or planning condition.

Reason for Refusal No. 2

- 9.8 Fingal County Development Plan makes provision for dealing with shortfalls in public open space provision (OS02A and OS02B). At the discretion of the planning authority any shortfall can be compensated by the provision of public open space elsewhere or by way of financial contribution. Any shortfall could have been provided on lands immediately adjacent to the development and within the applicant's ownership. This is not a valid reason to refuse the development.
- 9.9 Consider that sufficient open space in excess of standards is provided. 26,000sqm of open space is provided against a requirement of 23,625sqm. Includes a variety of soft and hard landscaping areas. All dwellings with 100m of area of open space. Only 22,743sqm deemed acceptable. Open space areas 2, 7 and 8 incorporate areas of shared surface and hard landscaping which are important parts of the scheme, prioritising the pedestrian and providing informal play and seating areas. A portion of open space area 6 is excluded as it falls within the 10-15m riparian strip. Should be included in open space calculations as, with property landscaping proposals, provide important amenity within a scheme. On review open space area measures 19,850sqm not 18,000sqm, which would compensate for any shortfall.

Reason for Refusal No. 3

- 9.10 Planning officer assessment is predicated on the assumption that House Type C/C1 is similar to a Type B/B1 and therefore is considered a 4 bedroom unit. Submit revised version of unit Type C/C1 which omits the provision of accommodation at second floor level and the stairs to it and omits dormer window from plans and elevations. Resultant mix is 3 bed 33%; 4 bed 34% and 5 bed 33% and is consistent with the requirements of the Development Plan (objective RD040).

Reason for Refusal No. 4

- 9.11 Planning officer's assessment is predicated on the assumption that House Types C/C1 is similar to a Type B/B1 and is therefore a four bedroom unit. Refer to revised details for Type C/C1 unit and state that this will unambiguously address any shortfall in open space provision. Also correct two minor drafting errors in connection with units 155 and 245 in respect of open space provision, such that 75sq is provided to serve unit 155 and 60sqm is provided to serve unit 245 (a C1 unit).

10.OBSERVATIONS ON THE APPEAL

- 10.1 There is one observation made on the appeal by daa. They refer to their previous submission and request that the existing and predicted noise environment of the site is fully assessed, including extant permissions, with appropriate noise mitigation measures required in the event that planning permission is granted.

11.RESPONSE TO THE APPEAL

- 11.1 The planning authority make the following comments on the appeal:
- Juxtaposition of dwellings – Planning authority remains of the view that the angular open space of some of the gardens within the scheme, combined with the juxtaposition of dwellings relative to private open space, in addition to the significant ground level changes, combine to result in a poor residential layout on sections of the site, with potential for significant overshadowing of private open space in certain instances. If the Board are minded to grant permission, request the Board to apply conditions to omit dwellings/reconsider house types and height as appropriate to address this issue.
 - Car parking – Notes that the site is an outer suburban location where 2 car spaces are likely to be required. Where spaces are provided on street congestion can occur. Whilst the site is close to a high quality public transport rail line, the immediate delivery of pedestrian/cyclist connectivity is limited. Car parking can be provided in-curtilage at this location. All dwellings should immediately overlook the car parking spaces allocated to them. Proposed Management Agreement should be submitted and agreed with the planning authority prior to commencement of development.
 - Open Space – Applicant has not submitted a detailed plan indicating how areas of hard landscaping and shared surface will be designed as urban spaces. Changing the surface treatment alone does not make these quality urban amenity spaces appropriate for recreational use. The spaces should not be included in the calculation of open space. The riparian corridor should also be excluded as supported by the development plan. The planning authority has taken this approach to other developments by the applicant (F14A/0363/PL06F.244157).
 - Amended Design of House Type C – Noted. House now presents as a three bedroom unit, achieving a more balanced housing mix

and compliance with development plan standards (private open space).

- Pedestrian Connectivity – Required as a key sustainable transport link and request that this be addressed to ensure it earliest delivery (Phase 1 of the development)
- Conditions – Should include for the payment of a development contribution and security to ensure satisfactory completion of development.

12. ASSESSMENT

Review of Issues

12.1 I note that the appeal site lies on land zoned for residential development in the Fingal Development Plan and that planning permission for residential development has already been granted on the site and remains valid. The principle of residential development on the site is therefore clearly established. I note that the development is at a density which is appropriate at this suburban location and within the Outer Public Safety Limit Zone for Dublin airport. I also note that the applicant has adequately addressed issues regarding water supply, drainage, flooding, archaeology and traffic/transportation (subject to conditions of any permission).

12.2 Having regard to these factors and to my inspection off the appeal site and file, I am of the opinion that the key issues for this appeal are confined to the issues raised in the course of the planning application and appeal, namely:

- Juxtaposition of dwellings.
- Design relative to existing properties.
- Positioning of Car Parking.
- Mix of units/house types.
- Open space provision (public, private, provision of landscaping strips).
- Provision of cyclist/pedestrian link to railway bridge.
- Noise control.
- Appropriate assessment.

Juxtaposition of Dwellings

12.3 The use of corner units within the scheme is generally acceptable and consistent with the government's Urban Design Manual (2009) in that it avoids blank gables and provides an important design aspect of the development. I note that the units generally have a good outlook (often to

open space with the development), have multiple frontages, shallow room depths and that the living space is triple aspect. I also note that the layout of units and pattern of fenestration does not give rise to overlooking. However, given the short rear garden depths, the particular arrangement of private open space within the gable wall aspect of adjoining 2/3 three storey housing and the difference in ground levels between the units, I consider that the arrangement of some corner units would result in a poor outlook, with the 2/3 storey development having an overbearing impact on the smaller F and F1 style units, namely:

- Units 118 (House Type F) and 119 (House Type B)
- Units 151 (House Type F) and 150 (House Type B)
- Units 174 (House Type F) and 173 (House Type B4)
- Units 238 (House Type F) and 237 (House Type A1)
- Units 133 (House Type F) and 132 (House Type B4)
- Units 136 (House Type F) and 137 (House Type B)
- Units 224 (House Type F1) and 223 (House Type B1)

12.4 Due to either, larger separation distances and/or the particular orientation of gardens accompanying other corner units, I do not consider this issue arises with any other of the proposed corner units.

12.5 If the Board are minded to grant permission for the development, I would recommend that a number of units are omitted from the development, i.e. nos. 119, 150, 173, 237, 132, 137 and 223, and that the applicant be required to submit revised details of the terraces affected to maximise outlook from the proposed corner units. This matter could be dealt with by condition.

Design relative to existing properties

12.6 To the north of the application site is the existing residential development of Drumnigh Woods and a small number of detached properties along Drumnigh Road which back onto the site.

12.7 Along the northern boundary of the application site a range of House Types, primarily three storey, are proposed. I note that the majority of these are positioned such that there is generally in excess of 22m (c.26m on average) between opposing windows at first floor level with the adjoining development. Further, in most cases, residential units will be separated by a substantial hedgerow which is to be retained as part of the development and which will screen the proposed units from existing dwellings. In general therefore I find the separation distances and House Types proposed to be acceptable and not likely to give rise to significant overlooking, subject to detailed arrangements for the retention of the existing hedgerow and the enclosure of rear gardens along the northern boundary of the site.

- 12.8 Of note separation distances to the rear of unit nos. 63, 95 and 96 fall below this standard due to the adjoining properties to the north being closer to the shared boundary. With regard to unit no. 63, this is an F1 style, two storey property and is separated from the adjoining property by a substantial hedgerow and I do not consider that serious overlooking will therefor arise. In their report (17th December 2014) the planning authority recommends switching the unit 95 to 98 from House Types A1 to House Type B1. House Type A1 is a semi-detached five bedroom unit arranged over three floors. At second floor is a low positioned roof light which serves a bedroom in the rear elevation, which could give rise to overlooking. House Type B1 is a four bedroom unit arranged over three floors. At second floor the low roof light serves a store.
- 12.9 In response to the appeal, the applicant considers that the issue could be addressed by condition, requiring that the bedroom to the rear at second floor be changed to a study/store with obscure glazing on the basis that such a change would not affect the rhythm of the streetscape or symmetry on the public open space that is achieved by units 91-98. This approach seems reasonable and could be dealt with by condition.

Positioning of Car Parking

- 12.10 The government's guidelines on Urban Design, Sustainable Residential Development and Urban Roads and Streets identifies on-street car parking as an appropriate manner of provision in new residential development. The proposed development provides most units with two parking spaces within the curtilage of the property and on-street provision in small sections within the scheme and alongside the linear park. Consistent with the guidelines, off-street car parking spaces are generally all within easy reach of residential properties (spaces from nos. 252 and 253 are a little removed – Revised Site Layout Plan, Drawing No. PL02 RevB) and are overlooked by housing, pedestrians and/or traffic as per the government's guidelines. I would accept therefore that the arrangements for both off site and in curtilage parking are acceptable.
- 12.11 I note that one of the issues raised by the planning authority concerning taking in charge the parking spaces (permeable paving, private spaces within public space). The applicant states that parking spaces will be allocated to individual units and maintenance will be carried out by a management company for the scheme. This approach seems reasonable and could be dealt with by condition.

Mix of units/house types

- 12.12 The proposed development comprises wholly residential units (supported by public open space and recreational provision). I note that there are no childcare facilities available, but recognise that this is a

consequence of the location of the development within the outer public safety zone of Dublin airport. Currently the site is not within ready walking distance of local facilities, but I note that this is an important objective of the development plan and I discuss this matter further below.

12.13 The residential scheme of 270 units, as revised by the provision for further information, comprises:

- 89, 3 bedroom units (33%) – comprising House Types C, C1, E and E1.
- 93 four bedroom units (34%) – comprising House Types B, B1-B6, F, F1, F2, G, G1 and G2.
- 88 five bedroom units (33%) – comprising House Types A, A1-A3, D and D1.

12.14 Type C units contain accommodation at second floor level, which the applicant has indicated could be used as a multi-purpose room (e.g. entertainment, store, playroom). The room has a low level roof light in its rear elevation. In their assessment of the application, planning authority considered that the additional room could readily be used as a bedroom and should be considered as a four bedroom unit, therefore altering the overall provision of units to 91% four bedroom units.

12.15 In his appeal to the Board the applicant submits revised details of the C/C1 unit which show no accommodation at second floor, or access to same and which omits the second floor dormer window to the front elevation. The units are therefore demonstrably 3 bedroom units and provide an acceptable mix of residential dwelling types. I note also that the associated private open space provided for these units complies with development plan standards (60sqm of private open space behind the front building line of the house).

12.16 I note the applicant's comments regarding the private open space provision of units 155 (Type B house, 4 bed, provision of 75sqm) and 245 (Type C house, 3 bed, 71sqm provision).

Open space provision

12.17 The Fingal County Development Plan 2011-2017 sets out a requirement of 2.5 hectares public open space per 1000 population (based on an occupancy rate of 3.5 persons in dwellings with three or more bedrooms), with a minimum of 10% of the proposed development site area designated for use as public open space (Policy Objectives OS02 and OS02A). In addition, the Plan provides discretion for the remaining open space provision to be provided by way of provision or upgrade of public open space/facilities outside the development site or financial contribution in lieu of remaining open space provision (Policy Objectives OS02A and OS02B).

- 12.18 Applying the above standard to the proposed development gives a total public open space requirement of 23,625 sqm ((270 units * 3.5 persons)/1000 * 2.5).
- 12.19 The applicant calculates a provision of 26,000sqm based on the following (response to FI and Open Space Diagram, PL31):
- Area No. 1 650sqm
 - Area No. 2 – 950sqm
 - Area No. 3 – 1,400sqm
 - Area No. 4 – 2,050sqm
 - Area No. 5 – 1,650sqm
 - Area No. 6 – 18,000sqm
 - Area No. 7 – 400sqm
 - Area No. 8 – 900sqm
- 12.20 The Development Plan requires that, except under exceptional circumstances, public open space provision exceeds 10% of development site area. In this instance site area (designated RS) measures c.8ha and open space provision requirement is therefore c.8,000sqm.
- 12.21 Public open space provision within the designated RS lands comprise all of the above open space areas, excluding area no. 6 (linear park). These areas provide a total of 5,950sqm, which is less than 10% of site area. Further, the applicant's provision of public open space includes shared spaces alongside a number of the other public open space areas. However, I do not accept that it is appropriate to include in the open space calculation, the shared space areas, which enable vehicle access, thereby creating a potential conflict with for example, small children at play (regardless of speed). I would accept the planning authority's argument therefore that there is a shortfall of public open space provision within the site area (land zones RS). However, I also note that the planning authority consider that shortfall of the on-site provision can be discounted having regard to the exceptional circumstances prevailing i.e. scale and location of open space immediately adjoining the RS zoned lands and forming an integrated part of the design of the development site. This approach seems reasonable and consistent with the provisions of the Development Plan.
- 12.22 With regard to the overall provision of public open space, the applicant includes in his calculations of the area of open space no. 6 the riparian corridor alongside the river. 'Green corridors' are defined in the County Development Plan as *'linear open spaces along paths, water courses, planting or other natural features that provide opportunities for walking and cycling, informal recreation, and biodiversity and wildlife migration. Green corridors should be incorporated into all new large developments, as part of Green Infrastructure provision, linking large areas of open*

space and linking with areas outside of the development site. Green corridors do not form part of the public open space provision’.

12.23 In this instance the riparian corridor is little more than the agricultural field adjoining the stream to the south of the site. The landscape master plan proposes woodland under planted with bulbs alongside the river and in effect creates a green corridor alongside the existing stream. In this instance therefore I consider that it is appropriate that the area alongside the stream is used in the calculation of public open space.

12.24 In summary, therefore I consider that if the Board are minded to grant permission that the applicant be required to demonstrate to the planning authority, the area of public open space provision within and outside of the RS zoned lands, excluding the shared space zones but including the riparian corridor, and that any shortfall in provision can be dealt with by financial contribution in lieu of provision, to the satisfaction of the planning authority.

Provision of cyclist/pedestrian link to railway bridge

12.25 Whilst this is not directly referred to in the planning authority’s reasons for refusal, the provision of a cyclist/pedestrian link to the DART station a clear policy objective of the planning authority and very valid requirement given the quantum of residential development coming forward in the area and poor condition of existing pedestrian/cyclist links to the DART station and other facilities within the town. I consider it is entirely appropriate therefore that the applicant provide the proposed pedestrian/cyclist link to the railway bridge as part of Phase 1 of the development. The actual provision of the link on third party lands is not within the direct control of the applicant and I consider that it is sufficient to require the applicant to facilitate connection to the adjoining section of the link when it is constructed. This matter can be dealt with by condition.

Noise control

12.26 I note the observation made by daa requesting that the existing and predicted noise environment is assessed. I draw the Board’s attention to the Noise Impact Assessment submitted with the response to the request for further information (24th November 2014) and the proposals for mitigation (glazing measures, provision of attenuated ventilation to buildings and construction noise and vibration management plan). I note that with the full implementation of all mitigation measures construction noise and the predicted noise levels will be within acceptable standards.

Appropriate Assessment

- 12.28 The development site lies within 3km of a number of Natura 2000 sites (see attachments). The appropriate assessment screening report identifies possible risks to the Natura 2000 sites, namely pollution (drain to the south of the site discharges to Baldoyle Estuary via Mayne River) and disturbance. The report considers that with the mitigation afforded by the management of site works, including site run off during construction and operation, extensive grassland area to be provided north of the stream, compliance with SUDS practice and petrol interceptor and the mitigation measures built into the coastal walkway (increase in residents in area) no adverse effects will arise on the Natura 2000 sites nearby or as a consequence of in combination impacts.
- 12.29 This conclusion seems reasonable, given the measures proposed to prevent water pollution arising during the construction and operation of the development, the distance of the site from the Natura 2000 network and the absence of conservation species utilising the application site currently.
- 12.30 I consider therefore that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on European sites in the vicinity of the site, in view of the Site's Conservation Objectives. A Stage 2 Appropriate Assessment (and submission of NIS) is not therefore required.

13 SUMMARY AND CONCLUSION

- 13.1 Arising from my assessment I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below, subject to compliance with the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Development Plan and to the detailed design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would provide an adequate mix of property types and an appropriate standard of development (including the provision of car parking space, open space and pedestrian/cyclist link) and would not seriously injure the amenities of the area, or property in the vicinity of the site. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 24th November 2014, and the further plans and particular received by the Board on the 26th January 2015, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reasons: In the interest of clarity.

2. Prior to the commencement of development revised details shall be submitted and agreed in writing with the planning authority:
 - a. As shown on drawing no. PL02 Rev B houses number 119, 150, 173, 237, 132, 137 and 223 shall be omitted from the scheme. Plans showing the relocation of remaining units/blocks to maximise outlook to the rear of types F shall be submitted to the planning authority for written agreement.
 - b. Bedroom no. 2 to at second floor the rear of Units 91 to 98 shall be changed to a study/store. Fenestration shall be obscure glazing.
 - c. Bedroom 3 in Unit E1 shall be repositioned to the rear of the dwelling and any revised window proposed at this location on the front elevation shall serve a bathroom/storage space only and be of obscure glazing.

Reasons: In the interest of residential amenity.

3. House Types C and C1 shall be constructed in accordance with the plans, elevations and sections submitted to the Board on the 26th January 2015 (drawing nos. PL16Rev A and PL17RevA).

Reasons: In the interest of residential amenity.

4. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement:
 - a. A revised schedule of public open space provision (excluding from the calculation the shared space provision), within the RS

- component of the scheme and in the adjoining linear park, with any shortfall made up by way of development contribution.
- b. Details of all exercise and play equipment to be provided within the proposed development.
 - c. Details of shared surfaces.
 - d. Details of public art.
 - e. Details of the appearance, function and treatment of above ground element of pumping station.
 - f. Detailed arrangements for the retention of existing hedgerows on site and the enclosure of private rear gardens along the northern boundary of the site.

Reason: In order to ensure the adequate provision of public open space.

5. Prior to the commencement of development, the applicant shall submit a revised phasing plan to the planning authority for written agreement to indicate the provision in Phase 1 of the development:
- (i) The proposed cyclist/pedestrian link to the existing bridge over the railway line. The applicant shall facilitate future connection to the adjoining sections of the link once constructed.
 - (ii) The playground within the linear park.

Reason: In the interest of orderly development and sustainable development.

6. Prior to commencement of development details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

8. Mitigation measures set out in the Tree Survey shall be implemented in full. A report on the full implementation of these measures shall be submitted to the planning authority.

Reason: In the interest of visual amenity and biodiversity.

9. Mitigation measures set out in the Noise Impact Assessment, Construction and Waste Management Plan and Environmental Construction Management Plan shall be implemented in full. A report on the full implementation of these measures shall be submitted to the planning authority.

Reason: In the interest of residential amenity, sustainable development and protection of the water environment.

10. Mitigation measures set out in the Archaeological Assessment (March 2014) and the letter to the planning authority from Irish Archaeological Consultancy (19th November 2014) shall be implemented in full. A report on the full implementation of these measures shall be submitted to the planning authority and to the Department of Arts, Heritage and the Gaeltacht.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and the protection of any archaeological remains that may exist within the site.

11. The management and maintenance of the proposed development following completion shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including landscaping, shared spaces, playground, roads, paths, parking areas, lighting, waste storage facilities and sanitary services shall be submitted to and agreed in writing with the planning authority, before the proposed development is made available for occupation.

Reason: In the interest of visual amenity.

12. Each residential unit shall be used as a single dwelling unit only.

Reason: In the interest of orderly development and residential amenity.

13. 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 for the planning authority for such works. In particular, the developer shall comply with the following transportation requirements:

- a. A traffic management plan for the construction phase of the project shall be submitted to the planning authority for written agreement, prior to the commencement of development.
- b. No dwelling house shall be occupied until after the Drumnigh Road and Mayne Road junction has been completed.
- c. No dwellinghouse shall be occupied until after the roundabout junction with Drumnigh Road has been completed.
- d. The developer shall construct the section of the proposed upgraded footpath along the boundary of the site with Drumnigh Road. No dwellinghouse shall be occupied until after completion of same.
- e. All underground poles or overhead services and poles shall be relocated, as may be necessary, to a suitable location adjacent to the new boundary at the developer's expense.
- f. All the above works shall be carried out at the developer's expense according to specifications and conditions of the planning authority.

Reason: In the interest of visual amenity and public safety.

14. No dwellinghouse shall be occupied until all services have been connected thereto and are operational.

Reason: In the interests of proper planning and sustainable development of the area.

15. Prior to making available for occupation of any house, the internal road network shall have been completed to the satisfaction of the planning authority.

Reason: To ensure the timely and satisfactory provision of such site development works.

16. Public open space provision shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of visual amenity.

17. Water supply and drainage arrangements including liaison with the Greater Dublin Drainage Project Team regarding the location of the wayleave across the site and the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

18. Construction works shall be in accordance with the requirements of Iarnród Éireann.

Reason: In the interest of public safety.

19. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

20. The site works and building works required to implement the development shall only be carried out between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No works shall take place outside these hours or on Sundays or Bank or Public Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

21. Prior to the 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 social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act, 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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 area.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

23. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Deirdre MacGabhann
Planning Inspector
30th April 2015