



An
Bord
Pleanála

Board Direction
PL.06S.247507

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 1st 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature scale and design of the proposed development, to the residential zoning objective for the area, to the extant permission on the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would result in an acceptable standard of residential accommodation. 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The developer shall comply with all conditions attached to planning register reference number SD14A/0121 save where the proposal has been modified by this permission. This permission shall cease to have effect on the date which planning register reference number SD14A/0121 expires.

Reason: To clarify the scope of the permission.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) Contoured drawings to scale of not less than [1:500] showing –
 - (i) a survey of all existing trees and hedging plants on the site and to the perimeter, their variety, size, age and condition, together with proposals for their conservation or removal
 - (ii) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the western boundary
 - (iii) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials
 - (iv) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (v) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established
 - (vi) A timescale for implementation including details of phasing, which shall provide for the planting to be completed before the building is first made available for occupation

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

Note : .Having regard to the planning history and the context within the overall landholding the Board;

- a) did not consider that the proposed development constituted a material contravention of Section 546 of the Fortunestown Local Area Plan 2012. The Boar concurred with the view of the appellant that the 24 apartments represented circa 10% of the overall scheme and thus the provision of 85% “own door” units was maintained.
- b) considered that the location of the proposed development within less than 500m of the nearest LUAS stop was appropriate

Having considered that the proposed development would not contravene the Local Area Plan materially, the Board did not proceed to make its decision under Section 37(2)(a) of the Planning and Development Act, 2000. The Board was, therefore, satisfied that the provisions of Section 37(2)(b) of the Act did not arise in this instance.

Board

Date:01.03.17

Member

Paul Hyde