



An
Bord
Pleanála

Board Direction
BD-000558-18
ABP-300421-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on **20/06/2018**.

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 Zoning Objective "RS" for the area and the pattern of residential development in the area, it is considered that, subject to compliance with Conditions set out below, the proposed development would be in accordance with the relevant provisions of the Fingal County Development Plan 2017-2023, would not seriously injure the amenities of the Seamount Road / Mountfield Lawns neighbourhood, or of the property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 01st November 2017, 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. Each new dwellinghouse shall be used as a single domestic residential unit only.

Reason : In the interest of clarity and to ensure orderly development.

3. Physical infrastructure and servicing arrangements to enable the proposed development, specifically in relation to access (incl. the new vehicular entrance, front boundary treatment, internal road, costs), shall comply with the requirements of the Planning Authority for such works and services.

Reason : In the interest of traffic safety and orderly development, and in order to comply with requirements in relation to access.

4. All public service lines and cables servicing the proposed development, including electrical and telecommunications cables, shall be located underground except where otherwise agreed with the Planning Authority. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development

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

5. 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.

6.
 - (a) A suitably qualified arborist/landscape professional shall be engaged by the developer for the duration of the development :

- (i) to oversee development works, ensuring strict compliance with the 'Arboricultural Method Statement', particularly as it relates to the site's western boundary, and
 - (ii) to monitor site development works and to liaise with the Parks and Green Infrastructure Division of Fingal County Council.
- (b) Prior to commencement of development, the developer shall have an on-site meeting with the Parks & Green Infrastructure Division to agree tree protection measures in compliance with BS 5837: 2012, Trees in relation to Design, Demolition and Construction – Recommendations. This shall include measures to prevent the parking of vehicles and the storage of materials on the grass verge.
- (c) A tree bond of €5,000 shall be lodged with the Council prior to the commencement of development in order to ensure that the trees and hedgerows are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of three years post construction which maybe extended in the event of possible construction related defects. It should be noted that a copy of the Arboricultural Method Statement (which has been signed off / certified by the Arborist including dates of Inspection) will be required to be submitted to the Council in order for this tree bond to be considered for release.

Reason : In the interest of tree protection and preservation of amenity.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include reference to the 'Tree Survey' and relevant recommendations therein (Cunnane Stratton Reynolds), completed for the site.

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 urban environment, in the interest of visual amenity.

8. Neither of the proposed dwellings shall be occupied until such time as all services have been connected, and are operational, to the satisfaction of the Planning Authority.

Reason : In the interest of orderly development.

9. 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 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.

Reason : To comply with the Requirements of Part V of the Planning and Development Act 2000 as amended and to comply with the requirements of the housing strategy in the Development Plan of the area.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including :

- hours of working,
- noise management measures,
- measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, and
- off-site disposal of construction/demolition waste.

Reason : In the interests of public health and safety and residential amenity.

11. Security 3

12. That a financial contribution in the sum of €4,695 be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development, in accordance with the requirements of the Fingal County Development Plan 2017-2023, based on a shortfall of 80m² of open space.

Reason : The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services

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

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

Board Member

Date: 22/06/2018

John Connolly