



An
Bord
Pleanála

Board Direction
BD-008425-21
ABP-309084-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/06/2021.

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 and scale of the proposed amendment and to a mixed-use development within a Town Centre zoning objective, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the provisions of the Fingal County Development Plan 2017-2023, the Design Standards for New Apartments for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018 and the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2018 and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 An Bord Pleanála on the 2nd day of February 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission authorises an additional 8 number apartment units to give a total of 28 number apartment units.

Reason: In the interest of clarity.

3. The terms and conditions of the grant of permission, register reference number F19A/0568, shall be complied with in full in the course of the development herein permitted, save for the changes to the plans submitted by this application.

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

4. The duration of this planning permission shall be up to and including the 27th day of May, 2025 and shall expire thereafter. All works shall be completed to that date to the satisfaction of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area and in order to complete the housing development permitted under F19A/0568.

5. Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The developer shall comply with the following requirements of the planning authority:
- (a) The road width at the entrance shall be reduced to a maximum of 5.5 metres to minimise the crossover of the public footpath. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) The commercial car parking provision shall be reduced by one space which shall be reallocated to the three-bedroom unit proposed. This unit shall have an allocation of two number parking spaces.
 - (c) All of the car parking spaces shall be individually marked and assigned to either residential, commercial or visitor use. No parking space shall be sold, leased, licensed or sub-let in connection with any other use or purpose.

Reason: In the interest of orderly development.

7. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

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

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

9. 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.

10. The developer shall pay to the planning authority a financial contribution in lieu of open space provision 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 applied towards the continued upgrade of local class 1 open space facilities in the Portmarnock area, namely the development of the Baldoyle Racecourse Park. 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. The application of any indexation required by this condition 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.

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


Paul Hyde

Date: 03/06/2021

