



An
Bord
Pleanála

Board Direction
BD-016382-24
ABP-317888-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2024.

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 appeal site's existing residential zoning, the policies and objectives of the Fingal Development Plan 2023-2029, the Howth SAAO and Howth SAAO design Guidelines it is considered that subject to compliance with the conditions set out below, the proposed revisions to the approved development accords with and would integrate appropriately with the sensitive physical and visual setting of the surrounding environs without significant or detrimental impact to the visual or residential amenities of the area. The proposed development would therefore be consistent with the proper planning and sustainable development of the area.

Conditions:

1 . Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted by Fingal County Council under planning register reference number F23A/0001, as amended by ABP Ref.: 317888-23 and any agreements entered into thereunder.

Reason: To ensure that the development shall be in accordance the permission and that effective control be maintained.

2. The terms and conditions of the grant of permission made by Fingal County Council under Reg. Ref. F17A/210 and extended under Reg. Ref. F17A/0210/E1 shall be complied with in full in the course of the development herein permitted, save for the changes to plans submitted for this application.

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

3. The proposed development incorporates anti-glare glass to the southern elevation.

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

4. The developer shall comply with the following requirements of the Planning Authority;

(a) No foul drainage shall discharge into the surface water system under any circumstances.

(b) The foul drainage shall be in compliance with the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single dwellings (March 2021).

(c) No surface water / rainwater shall discharge into the foul water system under any circumstances.

(d) The surface water drainage shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April 2006.

(e) The soakaway shall comply with BRE Digest 365, the GDSDS, designed to accommodate the 30-year critical duration storm event from all additional impermeable surfaces, include for climate change, use local rainfall data, and be at least 5m from any structure and 3m from any boundary.

Reason: In the interest of public health.

5. The developer shall comply with the following requirements of the Planning

Authority;

(a) No objects, structures or landscaping shall be placed or installed within the visibility triangle at the vehicular entrance exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.

(b) All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.

(c) No gate shall open across a public footpath/roadway

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

6. The following requirements shall be strictly adhered to:

(i) Prior to commencement of works, tree protection measures (protective fencing) in compliance with BS 5837: 2012, Trees in relation to Design, Demolition and Construction – Recommendations must be in place for the mature trees and hedgerow located inside the boundary along the public path to and along the Cliff Walk.

(ii) Prior to the commencement of development, the developer shall submit for written agreement of the Planning Authority, the precise location of the protective fencing and other tree protection measures during the course of the works.

(iii) A suitably qualified arborist shall be engaged for the duration of the development to survey tree condition and monitor site development works ensuring the proper protection of retained trees and to liaise with Fingal County Council's Parks & Green Infrastructure Division.

(iv) A tree bond of €10,000 is to be lodged with the Council prior to the commencement of development in order to ensure that the trees and hedgerow 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 3 years post construction which may be extended in the event of possible construction related defects.

(v) A landscape plan with planting schedule indicating species, size of plants as well as boundary treatment to be submitted and agreed with the Planning Authority prior to the commencement of works on site. The planting choice and boundary treatment to be in accordance with the 'Howth SAAO Design

Guidelines'.

Reason: In the interest of visual amenity within the Howth SAAO.

7. The developer shall comply in full with the following:

a. All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense.

b. The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: To protect the amenities of the area.

8. The following requirements shall be complied with in full;

a. The hours of construction shall be restricted to 8.00a.m. to 7.00p.m., Monday to Friday and 8.00a.m. to 2.00p.m. on Saturdays.

b. No construction activities shall take place on site on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

Board Member


Liam Bergin

Date: 22/05/2024