

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Fingal County

**Planning Register Reference Number: F15A/0194**

An Bord Pleanála Reference Number: PL 06F.245697

**APPEAL** by Sean and Eileen Morris and others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 6<sup>th</sup> day of October, 2015 by Fingal County Council to grant subject to conditions a permission to Jill and Thomas Kiernan care of James A. Keaney Associates of 49 Upper Mount Street, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of one number detached and four number semi-detached two-storey residential units (Plots numbers 1, 4 and 5 will include single storey home office structures in gardens), new combined vehicular/pedestrian access from Fairways, and connection to foul and surface water sewer network in Fairways, associated landscaping, boundary treatments, lighting and all ancillary drainage, engineering and site development works, all at lands to the rear of 'Skomer', Portrane, Donabate, County Dublin.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the zoning of the site and the scale and nature of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. Furthermore, the vehicular traffic generated by the proposed development would be capable of being accommodated on the local road network, without giving rise to any material and adverse additional traffic hazard and/or inconvenience. 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 information response received by the planning authority on the 10<sup>th</sup> day of September, 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 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 relates solely to that detailed in the statutory public notices.

**Reason:** In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only

**Reason:** In the interest of visual amenity.

4. (a) Prior to commencement of development, details of all new boundary treatments shall be submitted to, and agreed in writing with, the planning authority. In this regard, the boundary treatments shall include a rendered/plastered block wall suitably capped to a height of 1.8 metres between existing houses on Fairways and the proposed houses from the front building line to the rear boundary of the site.  
  
(b) Prior to commencement of development, details of all landscaping and surfacing treatments shall be submitted to, and agreed in writing with, the planning authority.

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

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

6. Proposals for an estate/street name, house 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 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 placenames for new residential areas.

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

**Reason:** In the interest of public health.

8. Prior to commencement of development, details of the footway cross-overs and the kerbing at the northern end of the cul-de-sac shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of traffic safety and to ensure adequate infrastructure provision.

9. (1) Each proposed house shall be used as a single dwelling unit.
- (2) The 'home offices' shall be used solely for use incidental to the enjoyment of the dwelling house and shall not be sold, rented or leased independently of the house and shall not be used for the carrying on of any trade or business that the public may visit.
- (3) No dwelling shall be occupied until all services have been connected to and are operational.

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

10. All bathroom/en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

**Reason:** In the interest of residential amenity.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual and residential amenity.

12. 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 the commencement of development. This plan shall provide details of intended construction practice for the development including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction waste;
  - (b) Location of areas for construction site office(s) and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking for site workers during the course of construction or arrangements made for car parking for site workers during construction in the vicinity;
  - (e) Details of the timing and routing of construction traffic on the adjoining public road network;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) Measures to prevent spillage or deposits of clay, rubble or other debris on the public road network;
  - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
  - (i) Details of appropriate mitigation measures for noise, dust and vibrations. In addition, details for monitoring of their levels;
  - (j) Details of the manner of containment of all construction-related fuel and oil during the course of construction works and the measures to prevent fuel spillages. Ideally, the developer shall store these hazardous items in specially constructed bunds with roofs over on site during the course of construction works;
  - (k) Details of off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated ground material;

- (l) Details of measures to ensure that surface water run-off is controlled such that no silt or other pollutants enter the local surface water sewers or drains;
- (m) Details of noise management measures during the course of demolition and construction phases of the development.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

This plan shall include details on how the construction traffic management shall be managed via 'Skomer' during the main course of the construction phase and shall include details on how, nearing completion, the proposed development will be integrated into the adjoining Fairways cul-de-sac road.

**Reason:** In the interest of public safety and residential amenity.

- 13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

- 14. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each residential unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall adequate provision for bin storage to the rear of individual dwellinghouses. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

16. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**