

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Fingal County**

**Planning Register Reference Number: F15A/0303**

An Bord Pleanála Reference Number: PL 06F.246404

**APPEAL** by Board of Management Santa Sabina Dominican College care of HRA Planning Limited of 3 Hartstonge Street, Limerick and by others against the decision made on the 8<sup>th</sup> day of March, 2016 by Fingal County Council to grant subject to conditions a permission to Parsis Limited care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of a residential development of 81 number dwelling units and a crèche comprising the construction of:- Block A\_B1 – a three-storey block of apartments over basement parking containing six number one-bedroom units, 11 number two-bedroom units and one number three-bedroom unit and a crèche measuring 176.1 square metres on part of the ground floor; Block B2\_B3 – a three-storey block of apartments over basement parking containing six number one-bedroom units, 13 number two-bedroom units and one number three-bedroom unit; Block C 1 – a three-storey block of apartments over basement parking containing 18 number two bedroom units; Block C 2 – a three-storey block of apartments over basement parking containing 15 number two-bedroom units; Block D (houses) containing 10 number semi-detached houses, eight houses are two-storey plus dormer storey five bedroom houses and two houses at the western end of the terrace are two-storey, one containing three bedrooms and the other four bedrooms; an underground car park containing 121 number car spaces and 108 number bicycle spaces and surface parking for 41 number car spaces. The development includes landscaped private and public open space, boundary fencing, balconies to the houses and apartments, private gardens to the houses, lighting, play areas, site drainage works and ancillary

site development works. It also includes revised entrance location and design on Greenfield Road, a newly aligned improved access road, cycleway and separate pavement to service the proposed new development and the existing School and Convent. The proposal includes the resurfacing and improvement of a section of the tree-lined entrance avenue that forms part of the curtilage of the Santa Sabina Protected Structure. The proposed development is situated to the East of Saint Fintan's Church, a structure that is currently being assessed for inclusion in the Record of Protected Structures, on lands circa 1.559 hectares that formerly formed part of the curtilage of the Santa Sabina, Saint Dominic's School and Convent Complex at Greenfield Road, Sutton, Dublin, as amended by the revised public notice received by the planning authority on the 19<sup>th</sup> day of October, 2015.

## **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 for residential use, the planning history of the site and the pattern of development in the vicinity, 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, would not adversely affect the setting of a Protected Structure and would be acceptable in terms of public health and traffic safety. 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 19<sup>th</sup> day of October, 2015 and the 10<sup>th</sup> day of February 2016, 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 78 residential units (including 10 houses) only. Each proposed residential unit shall be used as a single dwelling unit.

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

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

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

4. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass. The use of film is not permitted.

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

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. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, full details of the proposed boundary treatment with the adjoining school site.

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

7. The proposed childcare facility shall cater for a maximum of 25 children and shall not operate outside the period of 0700 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

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

8. No residential unit shall be occupied until all the services have been connected thereto and are operational.

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

9. 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 interests of visual and residential amenity.

10. 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) A plan to scale of not less than 1:500 showing –
  - (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period.

- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
  - (iv) Details of screen planting.
  - (v) Details of roadside/street planting, which shall not include prunus species.
  - (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. 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 the interest of residential and visual amenity.

11. The developer shall engage a suitably qualified arborist/landscape professional for the duration of the development to monitor site development works and to liaise with the planning authority. Prior to the commencement of any works on site the developer shall submit to and agree in writing with the planning authority a scheme of tree protection measure to be implemented on site for the duration of the development.

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

12. A tree bond of €50,000 (fifty thousand euro) shall be lodged with the planning authority prior to the commencement of development in order to ensure that the agreed trees are protected and maintained in good condition throughout the course of development.

**Reason:** In the interest of the proper planning and sustainable development of the area and in order to protect the visual amenities of the area.

13. (a) 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 noise management measures and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 09.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity.

14. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

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

15. 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.

16. Prior to the commencement of development, the developer shall submit drawing to the planning authority clearly indicating those areas of the site which are to be taken-in-charge by the planning authority (which shall include all of the roads and footpaths and the public open space) and those parts of the development to be privately managed.

**Reason:** In the interest of clarity and in order to comply with national policy.

17. Proposals for an estate/street name, house and apartment 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 and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

18. 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.

19. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in lieu of the shortfall of 1,261 square metres of public open space provided for in the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



20. 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.

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

**Dated this            day of            2016.**