

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0552

An Bord Pleanála Reference Number: PL 06F.246519

APPEAL by Greenwich Project Holdings Limited care of AKM of Unit 9, Trinity Court, Fonthill Business Park, Dublin against the decision made on the 4th day of April, 2016 by Fingal County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of derelict pub and construction of 21 family dwellings comprising Block 1: seven number by two-storey (three bedroom) family dwellings, Block 2: six number by two-storey (three bedroom) family dwellings. Block 3: three-storey building comprising four number by ground floor (one bedroom with study) own door family apartments and four number by two-storey (two bedroom with study) duplex own door family dwellings: 38 number car parking spaces, 20 number cycle spaces, new access road and extension of footpath/street lighting from Lanesborough Gardens to site. Landscaping of site, boundary walls, footpaths, bin storage area/shed and Electricity Supply Board substation, at the former 'The Castle Inn', Saint Margaret's Road, Meakstown, Dublin. A further public notice was received by the planning authority on the 9th day of March, 2016.

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 residential zoning objective for the site, 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, would be appropriate in terms of form and layout having particular regard to the design and layout of similar type residential schemes 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 9th day of March, 2016 and by the further plans and particulars received by An Bord Pleanála with the appeal documentation on the 29th day of April, 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. The following changes shall be incorporated into the overall layout:
 - (a) A pedestrian/cycle entrance not less than three metres in width (which shall not be gated) shall be incorporated on the northern boundary of the site providing direct access onto Saint Margaret's Road, adjoining the footpath in front of house number 7.
 - (b) The road and footpath area between Blocks A and B and to the north of unit number 13 shall be finished in coloured paved surfaces, in stone or other material approved by the planning authority. Path and road and car park levels shall be continuous without kerbs and delineation between the footpath and the road surface shall be by coloured highlight paving with a change in level of no more than 15 millimetres.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To improve pedestrian access to and from the proposed development and in the interest of amenity.

3. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation.

Reason: To ensure the satisfactory development of public open space areas and their continued use for this purpose.

4. Details of the materials, colours and textures of all the external finishes to the proposed houses and apartments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roofs shall be blue-black or slate grey, in colour only (including ridge tiles).

Reason: In the interest of 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. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs, traffic calming measures and footpath dishing shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and traffic and pedestrian safety.

8. Parking for the proposed development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All car parking spaces shall have minimum dimensions of 2.5 by 5 metres.

Reason: In the interest of orderly development.

9. Details in respect of all surface water management issues including the provision of an off-line detention basin within the open space area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

10. 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 dwelling.

Reason: In the interests of amenity and public safety.

11. Prior to commencement of development, 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.

Reason: In the interest of orderly development.

12. During the construction phase, the developer shall provide details to the planning authority for written agreement of the proposed on-site parking and site compound arrangements. No overspill car parking shall be permitted onto the adjoining local road network at Lanesborough Gardens.

Reason: In the interests of residential amenity and traffic safety.

13. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. Prior to commencement of development, details of all boundary treatment, including boundary treatment between the rear gardens of the proposed units shall be submitted to, and agreed in writing with, the planning authority. The use of timber fencing shall not be permitted.

Reason: In the interest of visual amenity.

15. The development (including the bin store and all parking areas), but with the exception of Block C shall be maintained by the developer until taken in charge by the planning authority. The management and maintenance of Block C shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

16. 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 on-going operation of these facilities shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

17. 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 traffic management measures.

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

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. 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 96(4) and 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 97(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 for the area.

20. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

21. 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.

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

Dated this day of 2016.