

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

## Fingal County

**Planning Register Reference Number: FW16A/0084**

An Bord Pleanála Reference Number: PL 06F.247892

**APPEAL** by Allendale Square Management Limited care of McCutcheon Halley Chartered Planning Consultants of Kreston House, Arran Quay, Arran Court, Dublin against the decision made on the 15<sup>th</sup> day of December, 2016 by Fingal County Council to grant subject to conditions a permission to Mallervale Limited care of Delphi Designs Limited of Unit 3, The Seapoint Building, 44-45 Clontarf Road, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** A residential development consisting of the construction of 28 number two bed apartments in two number three and four storey buildings and including all associated site development works, open spaces, landscaping, surface car parking, bin storage and boundary treatments, all located on a site area of approximately 0.44 hectares at Phibblestown, Clonsilla, Dublin. The site is located south of Ongar Road, north of Allendale House (Protected Structure Reference RPS Number 704), west of an existing residential development known as Allendale Square and east of the existing roundabout on the Ongar Road. Access to the development will be via one number vehicular access point from Hansfield Road, via Allendale Square leading to a new entrance to the proposed development site, north west of Block 8 of Allendale Square.

## 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.**

## CONDITIONS

Having regard to the RS residential zoning of the site as set out in the Fingal County Development Plan, to the planning history of the subject site and adjoining sites, and to the nature and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would represent an appropriate density at this location, and would be acceptable in terms of pedestrian 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 18th day of November 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 proposed development shall be amended as follows:-
  - (a) Further architectural detailing for the western elevation of Block A and the eastern elevation of Block B.
  - (b) The proposed concrete post and beam landscape feature, running along the roadside edge of the development, shall be completely omitted.
  - (c) The sheltered cycle spaces shall be relocated so that they are close to the main entrances to the development and where they can be overlooked by windows in the development.

- (d) The existing western boundary shall be replaced with a 1.8 metre high capped and rendered block wall, and the proposed 2 metre high system fence on the eastern boundary shall be replaced by a 1.8 metre high black bow top railing.
- (e) The proposed Sustainable Drainage System devices/attenuation tanks shall be relocated so that they are not located under or within the proposed open space areas, but are located under paved areas (roads, footpaths and/or parking spaces).

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

**Reason:** In the interests of visual amenity, residential amenity, pedestrian and cyclist safety and to provide for a usable open space area that is available for appropriate tree planting.

- 3. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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. Water supply and drainage arrangements, other than is provided for in condition number 2 (e) of this order, shall comply with the requirements of the planning authority for such works and services.

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

- 5. (a) The internal road network serving the proposed development including, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. Prior to commencement of development a revised layout plan, with a turning area provided at the western end of the site, shall be submitted to, and agreed in writing with, the planning authority.

- (b) Details of the proposed pedestrian accesses to Ongar Road, including the transition from the development onto the public footpath, and measures to protect the existing street trees along the streetside boundary of the site, which are not to be removed, taking into account the requirement for the omission of the concrete post and beam landscape feature under condition number 2 (b) of this order, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of amenity and of pedestrian and traffic safety.

6. The car parking spaces to be provided within the development shall be individually marked and assigned to the residential units and the remainder reserved for visitors to the residential units. No parking spaces shall be used for any purpose not directly related to the development, and no parking space shall be sold, leased or licensed or sub-let in connection with any other use or purpose.

**Reason:** In the interest of residential amenities, and to ensure that the car parking spaces are reserved solely for use related to the development.

7. 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 apartment.

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

8. 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.

9. Proposals for an estate/street name 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, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternative 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 interest of urban legibility, and to ensure the use of locally appropriate place names for new residential developments.

10. (a) 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

11. A revised landscape plan with details of planting which shall take into account the relocation of the Sustainable Drainage System devices, as provided for in condition number 2 (e) of this order, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed landscape plan shall be completed within the first planting season following the substantial completion of external construction works.

**Reason:** In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose.

12. 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.

13. 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:

- (a) Location of the site and materials compound including area(s) identified for the storage of construction refuse (which shall not be in open space areas);
- (b) Location of areas for construction site offices and staff facilities (which shall not be in open space areas);
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction (which shall not be within the adjoining apartment development);
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the adjoining road network;
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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.

**Reason:** In the interest of amenities, public health and safety.

14. 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.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces, roads and communal areas 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. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

17. 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.



18. The developer shall pay to the planning authority a financial contribution of €61,620 (sixty one thousand, six hundred and twenty euro) in lieu of the public open space requirement for the development, 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, having regard to the shortfall of public open space within the proposed development.

19. The developer shall pay to the planning authority a financial contribution in respect of proposed Clonsilla to Dunboyne (Pace) Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

20. 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 in respect of replacement of roadside tree planting that will be required to be removed to facilitate 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.

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

**Dated this            day of            2017.**