

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Fingal County

Planning Register Reference Number: F16A/0520

An Bord Pleanála Reference Number: PL 06F.248412

APPEAL by Orlaith O'Brien and others care of Peter P. Gillett and Associates of 55 Glencarraig, Sutton, Dublin and by Michael Colreavy of 90 Carrick Court, Portmarnock, County Dublin against the decision made on the 31st day of March, 2017 by Fingal County Council to grant subject to conditions a permission to The Hickey Family care of Evan Duggan Associates of 29 Fitzwilliam Street Upper, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of five number detached two-storey private dwellinghouses, a new vehicular and pedestrian access from Carrick Court, internal road with turning circle. Footpaths, landscaping, boundary treatments, lighting, Suds Drainage, piped and other services, ESB substations including re-positioning and all other ancillary development works necessary to facilitate the development, all on lands with a site area of 0.2275 hectares located between and adjoining Carrick Court housing estate to the north, Church Lane to the west and Suncroft Avenue to the south, all at Carrick Court, Portmarnock, County Dublin as amended by the revised public notice received by the planning authority on the 6th day of March, 2017.

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 location of the site in an area zoned for residential development in the Fingal County Development Plan 2017 to 2023, and to the existing pattern of residential development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenity of residential property in the vicinity or give rise to a hazard to traffic or pedestrians, and would comply with the objectives of the current Development Plan for the area. 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 10th day of February 2017, 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. Prior to commencement of development, revised plans and particulars showing compliance with the following requirements shall be submitted to, and agreed in writing with, the planning authority-
 - (a) the incorporation into private gardens of the open space areas at the proposed access to Carrick Court,
 - (b) a revised tree planting scheme which shall ensure appropriate separation distances between proposed trees and proposed underground services, and
 - (c) location of the on-site electricity cabinet on a hard surface.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development 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 developer shall provide a pedestrian only access from the proposed development to Suncroft Avenue generally in accordance with the drawings submitted to the planning authority on the 10th day of February, 2017. Prior to commencement of development, detailed plans and particulars providing for this access shall be submitted to, and agreed in writing with, the planning authority, and pedestrian access shall be provided prior to the making available of the houses for occupation.

Reason: To improve permeability in the area in the interest of residential amenity.

5. Prior to commencement of development, detailed plans and particulars in relation to the proposed vehicular/pedestrian entrance from Carrick Court shall be submitted to, and agreed in writing with, the planning authority.

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

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 interest of visual and residential amenity.

7. Public lighting shall be provided in accordance with a scheme 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 interest of amenity and public safety.

8. All rear gardens shall be bounded with 1.8-metre high concrete block walls, suitably capped and rendered, on both sides. The proposed 1.8-metre high timber fences with concrete posts shall not be used.

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

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

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

10. Proposals for a 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 street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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.

11. 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.

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 commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

13. 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.

14. 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.

15. 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 2017.