



An  
Bord  
Pleanála

**Board Order**  
**PL 06F.248440**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F16A/0431**

**Appeal** by Bernie Verdon care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 11<sup>th</sup> day of April, 2017 by Fingal County Council to grant subject to conditions a permission to Deanscastle Developments Limited care of Donnelly Turpin Architects of 9 Upper Fitzwilliam Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of six number two-storey two bedroom residential units (of approximately 80 to 90 square metres), one number two-storey two bed corner unit (of approximately 115 square metres) and one number two-storey three bedroom unit (of approximately 115 square metres) on the site of the former Lighthouse Bar on Church Street, Howth, County Dublin. The site includes the unfinished structure of the Lighthouse Bar, its off-street parking area and the adjoining two residential properties, numbers 1 and 2 Howth Terrace. The application seeks a change of use to residential from the established uses in two parts of the site: (i) the Lighthouse Bar, and (ii) the corner retail (take-away) unit. The development includes retention of a five metres bay of the existing unfinished building immediately adjoining the site boundary with number 2 Church Street, demolition of the remainder of the unfinished Lighthouse Bar structure and parts of numbers 1 and 2 Howth Terrace, and construction of two new stretches of two-

storey infill building comprising a 29 metres long structure on Church Street and a 10 metres structure on Howth Terrace linking the retained structures to complete the street frontages. Vehicular access to an off-street parking/courtyard area is from a seven metres wide opening off Church Street, all at the Former Lighthouse Bar, Church Street and numbers 1 and 2 Howth Terrace, Howth, 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 'Town Centre' zoning of the site and to the pattern of existing 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 amenities of the area or of property in the vicinity and would not conflict 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 to the planning authority on the 22<sup>nd</sup> day of December, 2016 and the 20<sup>th</sup> day of March 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. The proposed development shall be completed in accordance with Option B detailed on drawings numbers A.I.\_03-01b, A.I.\_03-02b, and A.I.\_03-03b (A.I. Clarification) submitted to the planning authority on the 20<sup>th</sup> day of March 2017.

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

3. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
  - (a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

- (c) Details of proposed street furniture or features, including any bollards and lighting fixtures;
- (d) Details of proposed boundary treatments at the perimeter of each dwelling, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

- 4. The height of proposed slatted hardwood trellis affixed to the existing southern boundary wall shall not exceed the stated ground level of 16.15 metres by more than two metres.

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

- 5. 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 the visual amenity of the area.

- 6. 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.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, 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.

8. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

9. Car parking spaces shall be reserved solely for the use of the occupants of the proposed development and their visitors and shall not be sold off separately or sub-let.

**Reason:** To ensure that car parking is available for use by the occupants of the development.

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(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.

11. 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.

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

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 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 public 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.

14. (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 and for the ongoing operation of these facilities for each 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.

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 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.

