

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Fingal County Council

Planning Register Reference Number: F17A/0160

An Bord Pleanála Reference Number: ABP-300507-17

Appeal by Des O'Brien care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 21st day of November, 2017 by Fingal County Council to grant subject to conditions a permission to Derek Keogh care of Hughes Planning and Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of (i) retention permission for change of use (at ground floor level) from office use to residential use comprising one number three-bed apartment unit; (ii) permission for change of use (at first floor level) from office use to residential use comprising two number one-bed apartment units; internal modifications and reconfiguration works; new single door entrance to replace existing double door entrance at ground floor level on western facing elevation; provision of two number balconies at existing opes on western facing elevation and north-western facing corner of building at first floor level; (iii) works to private open space courtyard area to include bin storage and bicycle store; the provision of screened private garden space to serve three-bed apartment unit on ground floor level and (iv) all ancillary works necessary to facilitate the development at Block 2, Ballisk Court, Donabate, County Dublin. The proposed development is served by communal car parking permitted under planning register reference number F00A/0759.

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 'TC – Town and District Centre' zoning and location, the nature and scale of the development and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Fingal Development Plan 2017-2023 and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018). The proposed development and the development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information received by the planning authority on the 24th day of October, 2017 and by the further plans and particulars received by An Bord Pleanála on the 29th day of January, 2018, 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) The existing balcony at second-floor level shall be maintained or replaced by a balcony of similar or greater area.

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

Reason: To protect the residential amenities of the apartment at second-floor level.

3. Within two months from the date of this order, a Parking Management Plan shall be prepared for the site and shall be submitted to, and agreed in writing, with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the existing and proposed residential units and also to prevent inappropriate commuter parking.

4. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

5. 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.

6. 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.

7. The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall set out in Objectives DMS57 and Objective DMS57B of the Development Plan and 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 within two months from the date of this order 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.

8. 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 within two months from the date of this order 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 2018