



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0704

Appeal by Techhus Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in relation to the inclusion of special contribution condition number 27 by Fingal County Council in its decision made on the 15th day of March, 2018.

Proposed Development: Construction of a mixed use scheme with a gross floor area of 5,678 square metres in two number blocks ranging in height from two to five storeys (with roof mounted solar collector panels and rooftop plant, which is setback and screened); comprising 55 number residential apartments (consisting of 21 number one bedroom units, 30 number two bedroom units and four number three bedroom units), three retail units (ranging in gross floor area from 120 square metres to 122 square metres), four number office units (ranging in gross floor area from 58 square metres to 146 square metres), new vehicular access from Old Ballymun Road to the east, communal open space (circa 417 square metres) in the form of two separate roof gardens accessed from first floor level, loading bay at northern boundary (for the proposed retail component), 72 number car parking spaces and 76 number cycle parking spaces. the development will also include a new ESB substation, hard and soft landscaping, changes in level. boundary treatments, drainage works, communal refuse storage areas, internal roads, pedestrian

footpaths and lighting and all associated site development and excavation works above and belowground, all on a 0.39 hectare site on lands at the south-western corner of the junction of Northwood Avenue and Old Ballymun Road, Dublin. The proposed development was revised by further public notices received by the planning authority on the 16th day of February, 2018.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the Council, under section 48 (13) of the 2000 Act, to AMEND condition number 27 so that it shall be as follows for the reason stated.

27. The developer shall pay the sum of €33,290 (thirty three thousand, two hundred and ninety euro) (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), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of the provision of an upgraded signalised junction between Old Ballymun Road and Northwood Avenue. This contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

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.

Reasons and Considerations

The Board is satisfied that the proposed public infrastructure the subject matter of the appeal (that is, the provision of an upgraded signalised junction between Old Ballymun Road and Northwood Avenue) is justified and that these works constitute specific exceptional costs that are not covered by the Fingal County Council Development Contribution Scheme 2016-2020; that the proposed public infrastructure would benefit the proposed development; and that the costs of the works and the apportionment of those costs between the application site and other similarly zoned land parcels that would benefit from the works concerned is reasonable and proportionate.

The Board therefore concludes that the imposition of condition number 27, as amended, conforms to the provisions of Section 48(2)(c) of the Planning and Development Act 2000, as amended.

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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.