



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F18A/0579

APPEAL by Declan Fleming care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 6th day of December, 2018 by Fingal County Council to refuse permission to the said Declan Fleming.

Proposed Development Alterations to previously approved residential development for 34 number houses approved under planning register reference number F14A/0483 (An Bord Pleanála reference number PL 06F.245240), planning register reference number F16A/0424 and planning register reference number F17A/0208, comprising: (1) provision of three number additional houses to the south of the site to provide a total of 37 number houses on site. The three number additional houses will comprise of: one number Type A3, four-bed, two-storey detached house circa 199.6 square metres and two number Type B2, four-bed, two-storey semi-detached house circa 163.5 square metres.; (2) extension of the existing internal access road; (3) omission of the crèche facility and associated parking area previously approved in the southern portion of the site. The crèche and associated car parking area are to be replaced with an open space area. This

additional open space area will form part of 3350 square metres (0.33 hectares) landscaped Class 2 open space area at intersection of Carey's Lane and Streamstown Lane; and (4) all ancillary works necessary to facilitate the development. The subject site is located within the adopted Streamstown Local Area Plan, all at 'Clairville Lodge', Carey's Lane, Malahide, County Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The proposed development includes the omission of a crèche facility which forms part of residential development for 32 number dwellings granted permission under An Bord Pleanála reference number PL 06F.245240 (planning register reference number 14A/0483) and subsequently amended under planning reference number F17A/0208 for an additional two number dwellings. The subject site is located on lands zoned as 'RA', where it is an objective to "provide for new residential communities subject to the provision of the necessary social and physical infrastructure" and within the central quarter of the Streamstown Local Area Plan 2009 which requires the provision of two childcare facilities for the entire Plan area. It is considered that the removal of the childcare facility would materially contravene this zoning objective and would, therefore, be detrimental to the amenities of the existing and future residents of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the planning history of the site, in particular, condition number 12 of the overall residential development, as granted by An Bord Pleanála under appeal reference number PL 06F.245240 (planning register reference number 14A/0483) which required the open space shown on the lodged plans (in the area of the proposed development) to be completed before any of the dwellings were made available for occupation and kept free of any development, and to the location of the proposed development in an area shown as indicative open space in the current Streamstown Local Area Plan, it is considered that the proposed development would seriously injure the residential amenity of existing residents by reason of loss of open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development is located on lands designated as Flood Zone A in the Strategic Flood Risk Assessment of the Fingal County Development Plan 2017-2023. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the location of the proposed development in proximity to the pumping station permitted under planning register reference number 17A/0208, and to Objective WT12 of the Fingal County Development Plan 2017-2023, which requires a minimum buffer zone of 35 metres to 50 metres from the noise/odour producing part of the pumping station in order to avoid nuisance from odour and noise, the Board considered that the proposed development would have a negative impact on the residential amenities of future residents and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.