



Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0101

Appeal by Eugene Murtagh and Catherine English of Ravenswood, Rathbeale Road, Swords, County Dublin against the decision made on the 2nd day of March, 2020 by Fingal County Council to grant subject to conditions a permission to Gannon Properties care of Conroy Crowe Kelly of 65 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Revisions to part of previously permitted development register reference F11A/0473 to omit 10 number four-bedroom two-storey houses, 10 number three-bedroom two-storey houses, six number two-bedroom two-storey houses, 18 number two-bedroom apartments in three blocks of three storeys each and three number two-bed + study own-door maisonettes (47 units in total) and to now provide 25 number three-bedroom two-storey houses, four number one-bed apartments, eight number two-bedroom apartments and 20 number three-bedroom duplex in two blocks of three storeys (57 units in total). The development includes 106 number car parking and all associated and ancillary site works. This application is referred

to as 'Phase 2C' and is the third of three planning applications to make revisions to the parent permission F11A/0473, all on lands south of the Glen Ellan Road, east of Miller's Avenue and north of the Rathbeale Road, Miller's Glen, Oldtown, Swords, County Dublin, as revised by the further public notices received by the planning authority on the 11th day of September, 2019 and on the 4th day of February, 2020.

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 provisions of the Fingal County Development Plan 2017 - 2023, to the planning history and to the zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. 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 23rd day of August 2019, the 11th day of September 2019, the 23rd day of January 2020 and the 4th day of February 2020, 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. Save for the development granted on foot of this permission, the development shall be carried out and completed in strict accordance with the terms and conditions of planning register reference number F11A/0473, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Revised plans and particulars detailing the provision of a childcare facility at the location of House Number B1/01, as set out on Drawing Number 1643 P2C-03 submitted on the 23rd day of January 2020 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout, design, capacity and hours of operation of the childcare facility shall be in accordance with the “Childcare Facilities Guidelines for Planning Authorities” issued by the Department of the Environment and Local Government in June 2001 and with the requirements of the planning authority.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interests of residential amenity and of the proper planning and sustainable development of the area.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, revised plans and particulars detailing the following:
- (i) The omission of House Number B2/06 at the eastern end of Road 9 and its replacement with an appropriately landscaped area of public open space.
 - (ii) House Numbers A2/07 and A/08, as shown on Drawing Number 1643 P2C-03, shall be replaced with two number 'B' type semi-detached houses.
 - (iii) House Number A/09, as shown on Drawing Number 1643 P2C-03, shall be replaced with an 'A' type end-of-terrace house.
 - (iv) The southern side elevation of House Number A1/25, as shown on Drawing Number 1643 P2C-03, shall be designed to address the Rathbeale Road by providing an active and appropriately designed elevation treatment.

Reason: In the interests of road safety, residential and visual amenity and the proper planning and sustainable development of the area.

4. Revised plans and particulars detailing the internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall comply with the detailed standards of the planning authority for such road works.

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

5. Revised plans and particulars detailing the bicycle storage and bicycle parking serving the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall show the omission of the westernmost bicycle storage unit between Blocks A and B and its replacement with additional street tree planting.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

6. A detailed Landscape Plan with full works specification shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include detailed specifications relating to paths, landscaping features, street furniture, bike parking, drainage, boundary treatment, planting, hard surfaces and street trees planting where necessary. Details regarding the type, size, location and number of plants proposed should be clearly indicated on a Planting Plan which shall accompany the Landscape Master Plan.

Details to be submitted shall provide appropriate boundary treatment along the eastern and southern boundaries shared with neighbouring dwellings Ravenswood and Belleview House.

All trees and hedgerows within and on the boundaries of the site, except those specified trees whose removal is authorised in writing by the planning authority to facilitate the development, shall be protected during building operations and shall be retained thereafter.

Reason: In the interests of residential and visual amenity.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colours shall be blue-black or dark grey only, including ridge tiles.

Reason: In the interest of visual amenity.

8. Prior to the commencement of development proposals for an estate/street name, and house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

9. Public lighting shall be provided in accordance with a scheme, 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.

10. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

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 and dust management measures, measures to prevent pollution to local watercourses, and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

12. 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 crossing or bounding the site shall be undergrounded as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

14. 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.

15. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

16. All of the communal/visitor car parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

17. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot 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.

Reason: In the interests of residential amenity and proper waste management.

18. 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.

19. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority the following:
- (a) Details of proposals for site boundary treatments including plans and particulars showing full details of the specific locations and extent of proposed walling/railings which shall include the provision of durable materials, with walls suitably capped and rendered.
 - (b) Details of proposals for boundary treatments around dwellings.

Reason: In the interest of visual amenity.

20. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

21. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

22. 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.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.