



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: FW19A/0211

Appeal by John Donnelly care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 22nd day of June, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: (i) Demolition of existing detached bungalow (130 square metres) and garage (25 square metres), (ii) construction of five number dwellings comprising of one number detached, two-storey, five bedroom dwelling (house type A, facing Beechpark Avenue), and four number semi-detached, two-storey, three bedroom dwellings (house type B, to the rear of the site). Each dwelling will be provided with two number car parking spaces (10 number in total) and private amenity open spaces in the form of private gardens (65 square metres to 89 square metres) to the rear, and (iii) landscaping, boundary treatments and all ancillary site development works necessary to facilitate the development at 42 Beechpark Avenue, Castleknock, Dublin. The proposed development was revised by further public notices received by the planning authority on the 22nd day of May 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 residential zoning of the site, to the nature, scale and design of the proposed development, and to Objectives SS15 and SS16 of the Fingal Development Plan 2018-2023, and NPO 35 of the National Planning Framework (February 2018) in relation to appropriate infill developments to achieve higher densities in urban areas, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with local and national policies to achieve increased residential densities in urban areas, would not seriously injure the visual or residential amenities of properties in the vicinity of the site, and would provide a satisfactory standard of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. (a) 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 received on the 14th May 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.
- (b) In the interest of clarity, the Board is approving Option 1 submitted to the planning authority on the 14th day of May, 2020, which provides for a detached house and a terrace of four houses.

Reason: In the interest of clarity.

2. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All surface water drainage shall follow the principles of SuDs, and shall be in compliance with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, Fingal County Council, April 2006.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority the following:
 - (a) water supply layout drawing and details, and
 - (b) foul drainage layout and details, including pipe size, gradient and levels, up to the proposed connection into the Irish Water network.

Irish Water standard details documents IW-CDS-5030-01 and IW Code of Practice IW-CDS-5030-03 shall apply.

Reason: In the interest of orderly development.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs,
 - (ii) Details of screen planting,
 - (iii) Details of roadside/street planting
 - (iv) Hard landscaping works, specifying surfacing materials and finished levels.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. Details of external finishes, external lighting, and of all boundary treatments, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. No alterations to same shall be permitted in the absence of the prior written consent of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS), with particular reference to kerb radii and internal road widths.

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

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. Prior to commencement of development and on appointment of a contractor, a Construction Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management and noise management measures.

Reason: In the interest of orderly development.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

11. 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.

12. Proposals for an estate/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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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.

13. 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.

14. 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.

15. The developer shall pay to the planning authority a financial contribution in lieu of a shortfall in the provision of public open space requirement for the 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.

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

Dated this day of 2020.