



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: FW20A/0058

Appeal by Castleshore Investments Limited care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin against the decision made on the 16th day of July, 2020 by Fingal County Council to refuse a permission for the proposed development.

Proposed Development: The demolition of an existing residential unit and associated structures on the application site, and the development of a three and part four storey residential development, consisting of 25 apartments. The apartments will consist of four number one bed units, 19 number two bed units and two number three bed units. The wider development includes parking for 27 number cars and one number accessible parking bay and private and public cycle parking spaces; open space and communal open spaces; bin storage unit; secure cycle storage building; boundary treatment and landscaping; and all underground drainage and service infrastructure. It is proposed to widen the access point onto the Castleknock Road and regrade the driveway. The development includes all associated site development works, all at Glenmalure, Castleknock Road, Castleknock, Dublin.

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' zoning which applies to the site under the Fingal Development Plan 2017-2023 and under which residential development is permissible, together with the central location of the site in Castleknock, the nature, design and scale of the proposed development and the pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would be an appropriate form of development on the site consistent with the policies and objectives of the Development Plan, would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic and pedestrian safety. 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 17th day of April, 2020, and by the further plans and particulars received by An Bord Pleanála on the 12th day of August, 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.

Reason: In the interest of clarity.

2. Details of external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works, no alterations to same will be permitted in the absence of prior written consent of the planning authority.

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

3. Prior to commencement of development, the developer shall submit details regarding boundary treatments to the planning authority for written agreement, including a method statement indicating how individual treatments shall be constructed/provided without significantly impacting on the root systems or integrity of existing trees outside the site.

Reason: In the interest of visual amenity and to protect residential amenity.

4. Prior to commencement of development, the following details shall be submitted for the written agreement of the planning authority:
- (a) A signalised shuttle system to control traffic along the one-way element of the road access.
 - (b) The design of the shared surface road access, which shall incorporate Design Manual for Urban Roads and Streets 'shared surface' principles.
 - (c) Measures, which shall include contrasting materials, signing, and road marking, to ensure that vehicles entering/leaving the development are aware that pedestrians have priority across the site entrance and that vehicles must yield right-of-way.
 - (d) Proposals that make provision for a tailored residents' mobility management plan.
 - (e) Details of the provision of the yellow box at the entrance on the Castleknock Road.

Reason: In the interest of traffic safety.

5. Prior to the occupation of development, a Car Parking Management Plan shall be submitted for the written agreement of the planning authority. This plan shall indicate how spaces will be assigned and how use of the car parking will be continually managed. Car spaces shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In the interests of orderly development and traffic safety.

6. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points. Ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transport.

7. The developer shall agree the location and design of the proposed bin transfer area with the planning authority prior to commencement of the development.

Reason: To protect the amenities of the area.

8. At the location of the future access point to the lands to the south of the proposed site, all underground services within the access way shall be designed and constructed to facilitate future access at this location.

Reason: In the interest of orderly development.

9. 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.

10. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. All service cables associated with the proposed development (such as electrical, telecommunications, communal television and public lighting cables) shall be located underground.

Reason: In the interests of visual and residential amenity.

12. Public lighting shall be provided in accordance with a scheme, 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 by the developer for occupation of any apartment unit within the relevant phase of the development.

Reason: In the interests of amenity and public safety.

13. Drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to commencement of development

Reason: In the interest of public health.

14. 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.

15. Details of proposed landscaping including for the proposed roof-level terrace shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect residential amenity.

16. Measures to ensure the protection of trees to be retained on the site and trees on lands which adjoin the site shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In order to ensure adequate protection of trees.

17. 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, noise management measures and off-site disposal of construction/demolition waste.

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

18. Site development and building works shall be carried out only between the hours of 0700 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.

19. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential area.

20. 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.

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 as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the replacement of an existing street tree to the north of the access, where it is required to be felled as part of the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be 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.

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.

23. 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.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020