



An
Bord
Pleanála

Board Order
ABP-307965-20

Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: FW20A/0078

Appeal by Bartra Property (Clonross) Limited care of Jim Brogan of Unit 1, Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 20th day of July, 2020 by Fingal County Council to refuse permission to Bartra Property (Clonross) Limited for the proposed development.

Proposed Development: The development will consist of 29 number dwelling units (14 number two-bedroom four-person apartments; two number two-bedroom three-person apartments; 13 number one-bedroom two-person apartments) to be accommodated in five number buildings comprising: a detached building (Block 01) fronting onto the Navan Road, two/three-storey to the front/two and a half storey (mansard)/three-storey to the rear. It will comprise 12 number two-bedroom four person duplex apartments with terraces at ground floor level on the northern (rear) elevation and roof top terraces on the southern (front) elevation at second floor level; and three number one-bedroom two-person apartments with a terrace at ground floor level and balconies at first and second floor levels on the southern (front) elevation; and four number buildings to the rear of the site comprising, from

west to east:- a detached three-storey building (Block 02) with external stair access on the south-eastern corner to first floor level. It will comprise three number one-bedroom two-person apartments at ground, first and second floor levels, respectively, with a terrace at ground floor level and balconies at first and second floor levels on the southern elevation; a detached two-storey building (Block 03) with a pitched roof and an external stair access to first floor level on the western elevation. It will comprise one number two-bedroom four-person duplex apartment with terrace at ground floor level on the eastern elevation, and two number one-bedroom two-person apartments at ground and first floor levels respectively with a terrace at ground floor level and a balcony at first floor level, on the eastern elevation; a detached building (Block 04) with a pitched roof, two and a half storey (dormer) (to the south) and two-storey (to the north) with external stair access to first floor level on the western and eastern elevations. It will comprise two number one-bedroom two-person apartments at ground floor level with terraces on the southern elevation and two number two-bedroom three-person duplex apartments at first/mansard floor levels with balconies at first floor level on the southern elevation; and a detached two-storey building (Block 05) with a pitched roof and external stair access to first floor level on the northern and southern elevations. It will comprise two number one-bedroom two-person apartments at ground floor level with terraces on the western and eastern elevations respectively; one number two-bedroom four-person apartment and one number one-bedroom two-person apartment at first floor level with balconies on the eastern and western elevations respectively; and a bicycle lock-up parking facility on the ground floor; areas of communal open space; an accessible car parking space for the mobility impaired; a secure bin storage facility; a shared vehicular/pedestrian access at the western end and a separate pedestrian access at the eastern end of the site's frontage on the Navan Road; and all site development works required to service the development, all at Clonross, Navan Road, Blanchardstown, 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 provisions of the Fingal Development Plan 2017 - 2023, to the nature, scale and layout of the proposed development (subject to revision by condition) and to its proximity to public transport links and to its site context, the Board considered that, subject to compliance with the conditions set out below, the proposed development, would represent an acceptable quantum of development for the site, would be acceptable in terms of the residential amenities of adjoining properties and of future occupants, would not seriously injure the visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that, subject to compliance with the conditions set out below, including the omission of Block 02 by condition, the proposed development would not constitute overdevelopment and would create an adequate quality of place and level of residential amenity for future occupiers. Furthermore, the Board considered that, subject to the omission of Block 02, the proposed development would not lead to an unacceptable level of overlooking would not have an overbearing impact on adjoining properties nor have an unacceptable impact on their residential amenities.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows:
 - (a) Block 02 shall be omitted. The resultant space shall be landscaped and set out as communal open space to serve the remaining development.

Revised drawings showing compliance 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 visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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 unit.

Reason: In the interests of amenity and public safety.

6. 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.

7. 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.

8. 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.

9. 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 2021.