



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0629

Appeal by Thomas Condrón of Seamount Road, Malahide, County Dublin against the decision made on the 10th day of September, 2020 by Fingal County Council to grant subject to conditions a permission to Maureen Tracey care of Downey Planning of 1 Westland Square, Pearse, Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Alterations to Apartment Block A (previously granted permission under planning register reference number F09A/0015 (An Bord Pleanála reference number PL 06F.235190) and planning register reference number F09A/0015/E1 with such changes including changes to window dimensions/configuration, introduction of glass balustrades to third floor level, changes to proportion of materials and finishes used on elevations, and increased height and revised design to northern entrance cores including provision of handrail in lieu of frame structure. Retention permission is also sought for modifications to the surrounding grounds of Apartment Block A including incorporation of ramps and associated railing, reconfiguration of parking spaces, the addition of a bin store and additional bicycle parking, and all associated works necessary to facilitate the development as amended by the further plans and particulars submitted to the planning authority on the

19th day of June 2020; all at Jameson's Orchard, Seamount House (protected structure), Seamount Road, Malahide, County 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 'RS' zoning objective for the site, which allows for residential development, to the provisions of the Fingal Development Plan, 2017-2023, and to all relevant national planning provisions, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would provide an adequate standard of amenity for its occupants, would not detract from the character of the area, would not seriously injure the amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 19th day of June, 2020, and on the 17th 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. The development shall comply with the terms and conditions of the permission granted under planning register reference number F09A/0015 (An Bord Pleanála reference number PL 06F.235190) except as amended in order to comply with the conditions attached to this permission.

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

3. The developer shall comply in full with the following:
 - (a) all necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense, and
 - (b) the applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage

to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council.

Reason: In the interest of orderly development and to protect the amenities of the area.

4. 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.

5. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows:

- (a) an approved insurance company bond in the sum of €548,000 (five hundred and forty-five thousand euro), or
- (b) a cash sum of €342,500 (three hundred and forty two thousand five hundred euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the development.

6. 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.

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

Dated this day of 2021.