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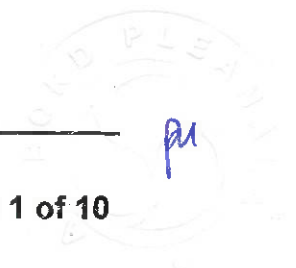
**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW20A/0046**

**Appeal** by Ian and Sinead Reid of 2 Lambourn Avenue, Clonsilla, Dublin against the decision made on the 9<sup>th</sup> day of October, 2020 by Fingal County Council to grant subject to conditions a permission to Coastdawn Limited care of Douglas Wallace Consultants of 68 Pembroke Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A mixed-use development including: (1) community room at ground floor level; (2) a total of 12 number residential apartments at first floor level, second floor level and second floor (set-back) level comprising of two number two bedroom units and 10 number one bedroom units; (3) residential circulation areas; (4) residential external terrace areas; (5) the relocation of site vehicular and pedestrian access onto Clonsilla Road; and (6) all ancillary site works and services at Clonsilla Road (adjacent east of Applegreen Service Station), Clonsilla Village, 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 nature and scale of the proposed mixed-use development within a Town Centre zoning objective, it is considered that the proposed development would be in accordance with the provisions of the Fingal County Development Plan 2017 to 2023, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018) and with SPPR3 of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018). It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. 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 14<sup>th</sup> day of September, 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 ancillary community meeting room located on the ground floor shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on the site. The uses of the space shall be restricted to Class 7 and Class 10 as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001. Prior to the occupation of the space, opening hours shall be agreed in writing with the planning authority.

**Reason:** In order to provide an adequate standard of residential amenity for future residents and to protect the amenities of residential property in the vicinity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development and any signs 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area

5. The landscaping scheme shown on Drawing numbers 100 and 101 and in the supporting Landscape Design Report received by the planning authority on the 14<sup>th</sup> day of September, 2020 shall be carried within the first planting season following substantial completion of external construction works.

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 interests of residential and visual amenity.

6. 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.

**Reason:** In the interests of visual and residential amenity.

7. The developer shall comply with the following transportation requirements:
- (a) The site boundary to Clonsilla Road shall be set back to provide public footpath with a minimum width of 2.0 metres. Details to be agreed in writing prior to commencement of development.
  - (b) The front boundary wall adjacent to the footpath shall have a maximum height of 0.9 metres.
  - (c) The relocation of the bus stop shall be agreed in writing with the planning authority prior to construction and all works shall be carried out at the expense of the developer.
  - (d) Design details of the entrance shall be agreed in writing prior to commencement of development and shall include measures to ensure pedestrian priority and pedestrian and vehicle inter-visibility.
  - (e) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres, which would interfere or obstruct the required visibility triangle.
  - (f) The residential car parking spaces shall remain in the charge of the relevant management company.
  - (g) All parking spaces should have the required infrastructure to provide for future electrical vehicle (EV) charging.

- (h) Footpaths and kerbs shall be dished at the developer's expense and in accordance with the requirements of the planning authority.
- (i) All the above works shall be carried out at the expense of the developer and to the requirements of the planning authority.

**Reason:** In the interests of orderly development and road safety.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

9. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules

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

10. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation

and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit 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.

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

11. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

12. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

13. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

14. The developer shall pay to the planning authority a financial contribution in respect of the Clonsilla/Dunboyne Railway Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

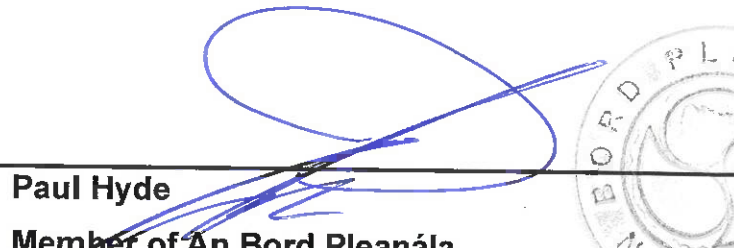


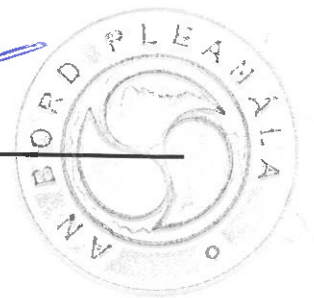
15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

16. The developer shall pay to the planning authority a financial contribution in lieu of open space provision 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. The application of any indexation required by this condition 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.

**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.

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



Dated this 29<sup>th</sup> day of MAY 2021