



**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F20A/0663**

**Appeal** by Monks Meadow Resident Action Group care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 19<sup>th</sup> day of February, 2021 by Fingal County Council to grant subject to conditions a permission to Eoin Blacklock, Julie-Ann Doyle and Jonathan Crowe care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (a) The construction of two number two-storey contemporary style detached dwellings with sedum-green roofs with a single storey garage attached to House number 1; (b) provision of two number on-curtilage car parking spaces for each dwelling; (c) private amenity space in the form of rear gardens with patios; (d) bin collection point, new entrance and internal roadway off existing private road in ownership of applicants; (e) part realignment and improvement works to existing private road including 1.5 metres - 1.8 metres wide pedestrian footpath with pedestrian crossing ramp, improvement works to the entrance and boundary treatment to 'Little Monks Meadow' comprising new 1.1 metre high front boundary wall and 3 metres wide vehicular entrance; (f) amendments to granted permission F15A/0151

(An Bord Pleanála Reference PL06F.245088) to realign access boundaries to each of two number permitted units and revisions to access road layout from what was previously permitted and (g) landscaping, boundary treatments, SUDS drainage and all other ancillary site development works necessary to facilitate the development on site, all on overall site of circa 0.89 hectares at Monks Meadow, Coast Road, Portmarnock, 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 provisions of the Fingal County Development Plan 2017-2023 and to the nature and scale of the proposed development on a residentially zoned land, 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 and would be acceptable in terms of traffic safety and convenience. 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 received by An Bord Pleanála on the 14<sup>th</sup> day of April, 2021, 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. This permission authorises two residential dwellings and the amendments proposed in the current application only.

**Reason:** In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. (a) The roads and traffic arrangements serving the site (including road signage and markings relative to the access lane and to the junction with the R106 Regional Road), shall be in accordance with the detailed requirements of the planning authority for such works, and shall be carried out at the developer's expense.

- (b) The internal road network serving the proposed development including access, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.
- (c) The proposed pedestrian access shall comply with the detailed standards of the planning authority for such works.

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

- 5. The development shall incorporate noise mitigation measures to ensure that appropriate noise levels for habitable rooms are achieved and maintained, having regard to the location of the site within the Outer Airport Noise Zone. The required measures shall be determined by a quantified noise assessment of the site which shall be carried out by an appropriately qualified and experienced professional at the expense of the developer. Full details of the assessment and the proposed noise mitigation measures/construction materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

6. (a) The trees along the site boundaries shall be retained and prior to the commencement of development, a comprehensive boundary treatment and landscaping scheme for the site, to include a plan for the protection of existing trees to be retained during construction, shall be submitted to, and agreed in writing with, the planning authority.
- (b) The finish of the proposed two metres high boundary wall on the southern boundary of House number 2 shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.

**Reason:** To protect trees and planting during the construction period and in the interest of visual amenity.

7. A tree bond of €5,000 (five thousand euro) shall be lodged with the planning authority prior to the commencement of development in order to ensure that the trees are protected and maintained in good condition throughout the course of development. The tree bond shall be held by the planning authority for a period of two years post construction and shall not be released until an arboricultural assessment report and certificate signed by a qualified arborist has been submitted and any remedial works have been fully undertaken to the satisfaction of the planning authority.

**Reason:** To ensure the protection and long-term viability of trees to be retained on site.

8. Details of the proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

10. 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.

11. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

**Reason:** In the interest of visual amenity.

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

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

13. 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.

14. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

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 the shortfall of 175 square metres of public open space that arises based on the provisions of Objectives DMS57 and Objective DMS57B of the current Development Plan for the area and 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.



**Terry Prendergast**

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

Dated this 21<sup>st</sup> day of July 2021.