

An
Bord
Pleanála

Board Order
ABP-309928-21

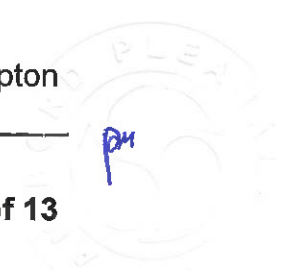
Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0305

Appeal by Gordon Finn and Helen Ní Riain of 21 Hampton Gardens Drive, Balbriggan, County Dublin against the decision made on the 16th day of March 2021 by Fingal County Council to grant subject to conditions a permission to Orchid Homes Limited care of NDBA Architects of 52 Pembroke Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing derelict bungalow and associated out buildings and construction of two number two storey with developed roof space terraces fronting onto Hampton Gardens Drive comprising 22 number residential units (11 number two bed duplex units over 11 number one bed ground floor apartment units). Private amenity space is proposed to rear (east) of the units at ground floor level and projecting balconies at first floor level. Communal amenity space is also provided to the rear (east) at ground floor level. Car parking, consisting of one car parking space per unit, is located to the front (west) of the proposed two number blocks of units. Permission is also sought for bin storage areas, hard and soft landscaping, cycle parking, boundary treatments and all associated site development and infrastructure works forming the completion of the Hampton



Gardens development at Hampton Gardens Drive, Hampton Gardens, Clonard Road, Balbriggan, County Dublin.

Further public notices were received by the planning authority on the 19th day of February 2021 pertaining to revised plans for 20 number residential units.

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, the planning history and the zoning of the site, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area, would not be prejudicial to public health 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.

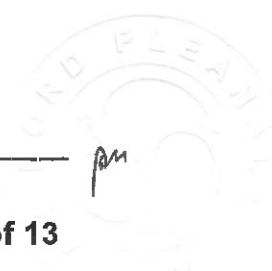
Conditions

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 submitted on the 1st day of February 2021 and on the 19th day of February 2021 and by the further plans and particulars received by An Bord Pleanála on the 21st day of May 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 grant of permission is for two number terrace blocks to accommodate a total of 10 number one bedroom apartments and 10 number two bedroom duplex units (total of 20 number residential units), as shown in plans and particulars received by the planning authority on the 1st day of February, 2021.

Reason: In the interest of clarity.

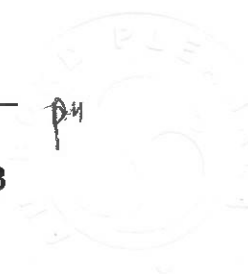


3. (a) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a revised car parking layout detailing the following:
- (i) The provision of in-curtilage parking comprising 20 number car parking spaces, comprising banks of 2 spaces, with pedestrian access points between each bank to the public footpath.
 - (ii) The continuation of the verge/footpath along the western boundary of the car parking area.
- (b) The footpath and kerb shall be dished at the developer's expense.
- (c) All underground or overhead services and poles shall be relocated, as may be necessary, to suitable locations at the developer's expense.
- (d) All stormwater shall be disposed of into soakpits or drains within the site and shall not discharge onto the public road.

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

4. All of the parking areas serving the residential units shall be provided with functional electric vehicle charging points or electric connections to allow for the future provision of electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.



5. The pedestrian access point from the Clonard Road to Hampton Gardens Drive shall be completed and open to public use prior to commencement of development.

Reason: In the interest of pedestrian permeability.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwelling units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colours shall be blue-black or dark grey only, including ridge tiles.

Reason: In the interest of visual amenity.

7. Water supply and 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.

8. 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.



9. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority proposals for site boundary treatments. Details to be submitted shall include the following:

- (a) The proposed timber panel fencing along the eastern boundary shall be replaced with weld mesh fencing, black in colour.
- (b) The provision of a 1.8 metres high stone wall along the southern boundary, adjoining the bin and cycle store.

Reason: In the interest of visual amenity.

10. The landscaping scheme, shown on Drawing number 103, received by the planning authority on the 1st day of February, 2021 shall be carried out 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 (or until the development is taken in charge by the local authority, whichever is the sooner), 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 interest of residential and visual amenity.

11. 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:
- (a) Location of the site and materials compound including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

14. Public lighting shall be provided in accordance with a scheme, 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 dwelling unit.

Reason: In the interests of amenity and public safety.

15. Proposals for a dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all dwelling numbers, shall be provided in accordance with the agreed scheme.

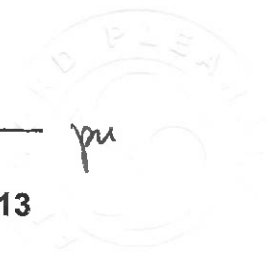
Reason: In the interest of urban legibility.

16. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a detailed scheme for the eradication and/or control of Japanese Knotweed on the site. The agreed scheme shall be implemented prior to the commencement of any development.

Reason: To avoid the spread of a problematic invasive alien species.

17. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.

Reason: In the interest of wildlife protection.

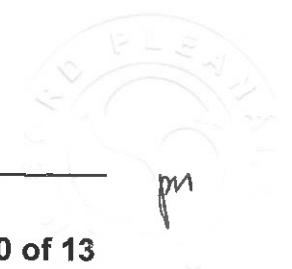


18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. 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.

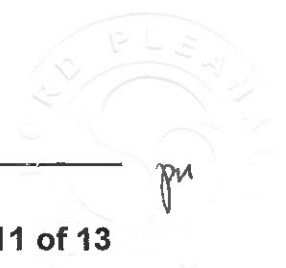


20. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

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.

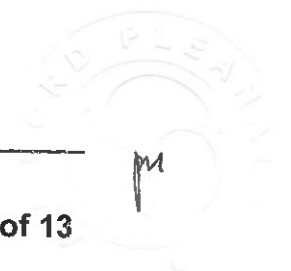


22. Prior to the commencement of any duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

23. The developer shall pay €44,020 in lieu of 0.075ha of public open space.

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



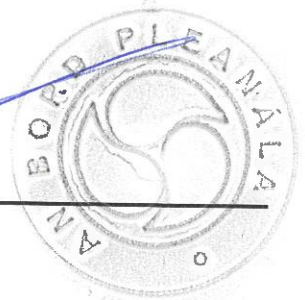
24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 15th day of September 2021