



Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0345

Appeal by Parsis Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 12th day of August, 2021 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Alterations to the development permitted under register reference F17A/0615, as amended by ABP Reference: 306872-20, which is currently under construction. The proposed alterations consist of the following: provision of 12 number additional apartment units (five number one beds and seven number two beds) through the provision of an additional penthouse floor to Block B2-B3 and Block C2 (increase in height from three to four storeys). The proposal includes seven number additional apartments in Block B2-B3 (increase from 24-31 number units) and five number additional apartments in Block C2 (increase from 17 to 22 number units) and includes associated internal and external alterations to each block, including additional balconies for each proposed unit. This will increase the total number of residential units on site to 155 number including the 12 number additional units now proposed, and the 143 units units approved under Register Reference: F17A/0615, as amended by APB Reference: 306872-2; extension of the permitted basement area into the substructure area located under the

permitted childcare facility at ground floor level of Block C2 to provide additional bicycle parking (18 number spaces) and a storage/service area; changes to the landscape area located to the north of Block C2, including changes to access arrangements and additional bicycle parking (six number spaces), and all associated development. No alterations are proposed to Blocks A1-B1, C1, D1, D2 and D3, as approved under ABP 306872-20 (which amended Register Reference: F17A/0615) at site that formerly formed part of Santa Sabina Dominican College and Convent Complex, Greenfield Road, Sutton, Dublin. Saint Dominic's Convent Santa Sabina, located to the east of the application site, is a protected structure (RPS Number 0794).

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 following:

- (a) the provisions of the Fingal Development Plan 2017-2023, including the zoning objectives for the site,
- (b) the Housing for All - A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021,
- (c) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage in December, 2020,
- (f) the nature, scale and design of the proposed development,
- (g) the availability in the area of a wide range of social, community and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,

- (i) the planning history within the area, and
- (j) the report of the Inspector and the submission received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or the character of the streetscape, would not seriously detract from the character or setting of the neighbouring Protected Structure, would not set an undesirable precedent for future development, and would be acceptable in terms of urban design, height and quantum of development. 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 plans clarifying layouts submitted to An Bord Pleanála on the 8th day of September, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted by Fingal County Council under planning register reference number F17A/0615, as amended by ABP Reference ABP-306872-20 and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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



Stephen Bohan

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

Dated this *20th* day of *April* 2022.

