



Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0654

Appeal by The Board of Management of Holy Family Junior National School of Rivervalley, Swords, County Dublin, and by Others, against the decision made on the 14th day of June, 2022 by Fingal County Council to grant permission, subject to conditions, to Dunne Better Build Limited care of Demesne Architects and Interior Designers of Desmond House, Main Street, Maynooth, County Kildare for development comprising construction of single storey parish centre extension 167 square metres to the west of the existing church building, two-bedroom single storey detached parish priest accommodation 120 square metres to the south of the existing church building with three number car parking spaces and vehicular access off Pairc na Foraoise Road, three-storey 58 unit sheltered housing apartment building 4641 square metres and associated uses to the west of the existing church building comprising 15 number one-bedroom and 43 number two-bedroom units, reception and meeting room, staff WC, storage rooms, refuse storage and service rooms, landscaped courtyard and internal walkways, 38 number bicycle spaces, 30 number car parking spaces and with vehicular access off River Valley Road, modifications to existing church parking area and addition of two number car parking spaces to the existing 61 spaces plus eight number bicycle spaces, new fencing to north, east and west boundaries and all associated

landscaping and site works at Saint Finian's Church, River Valley, Swords, County Dublin, in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the single-storey Parish Centre extension and the Three Storey 58 Unit Sheltered Housing Apartment Building, in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the Two-Bedroom Single Storey Detached Parish Priest Accommodation with three number car parking spaces and vehicular access, based on the reasons and considerations marked (2) under

Reasons and Considerations (1)

Having regard to the location of the subject site within an established, mixed-use suburban area, the “CI – Community Infrastructure” and “LC – Local Centre” land use zoning objectives of the Fingal Development Plan 2023-2029 which apply to the site, under which “community facility” and “sheltered accommodation” uses are permitted in principle, the nature and scale of the proposed development, and the pattern of development adjoining the site, it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Fingal Development Plan 2023-2029 was the applicable statutory plan in place at the date of the Boards decision. In this regard, the Board considered in full all

relevant provisions of the statutory plan. In doing so, the Board recognised that at the time of the decision of the planning authority, the Fingal Development Plan 2017-2023 was in place. The Board noted that the relevant provisions of the current statutory plan, as they would relate to the proposed development, are comparable and no material issue arises therefrom. In overview therefore, the Board determined that the grounds of appeal and the material considerations arising therefrom, are not affected by or material to the relevant provisions of the current plan in any manner which of themselves are not materially different to the previous plan and which did not form part of the basis of the decision of the Board.

Conditions

1. This element of the proposed 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 25th day of March 2022 and on the 18th day of May 2022, 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. For the avoidance of doubt, this permission is for the single-storey parish centre extension and the three-storey 58 unit sheltered housing apartment building. The two-bedroom single-storey detached parish priest accommodation with three number car parking spaces and vehicular access shall be omitted.

Reason: In the interest of clarity.

3. (a) No material change of use of any of the buildings in the proposed development shall take place without a prior grant of planning permission.
- (b) The occupation of the sheltered accommodation units on site is restricted to age cohort 55 years and older, and shall not be sold, let or otherwise transferred or conveyed without a prior grant of planning permission.
- (c) The proposed sheltered accommodation units shall not be sold to private individuals as habitable dwellings.

Reason: In the interest of clarity.

4. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Prior to the occupation of the proposed sheltered accommodation, a Final Operational Management Plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure an appropriate standard of development.

7. 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 occupation of the development.

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

8. 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 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. All the communal parking areas serving the residential units shall be provided with functional 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.

10. Electric charging facilities shall be provided for bicycle parking and proposals, in this regard, shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: In the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.

11. 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.

Reason: In the interests of public safety.

12. The construction of the proposed 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 all intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

13. The proposed landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. 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 interest of residential and visual amenity.

14. The proposed development shall be provided with adequate noise insulation having regard to the location of the site within Dublin Airport Noise Zone D.

Reason: In the interest of public health and residential amenity.

15. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann (formerly Irish Water).

Reason: In the interest of public health.

16. Water supply and drainage arrangements, including the 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.

17. Prior to commencement of development, the developer 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.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 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 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.

20. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to ensure the protection of trees on and immediately adjacent to the site and to make good any damage caused during the construction period. 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 facilitate the protection of existing trees on the site, which represent an important amenity and should be substantially maintained.

21. 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.

22. Prior to the commencement of development, the developer shall enter into an agreement with the planning authority to provide for the payment of a financial contribution in lieu of public open space within the site in accordance with Section 14.3.2 of the Fingal Development Plan 2023-2029 and the Fingal County Council Development Contribution Scheme 2021-2025 made under Section 48 of the Planning and Development Act, 2000, as amended. The amount of the contribution 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 for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with any applicable indexation provisions of the scheme.

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



Reasons and Considerations (2)

Having regard to the location of the subject site within the "CI – Community Infrastructure" land use zoning area, under which residential development is listed as a use class which is "Not Permitted", the detached residential unit to be used as priest accommodation would materially contravene this zoning objective and would set an undesirable precedent for similar residential accommodation within CI zoned lands and is therefore considered unacceptable. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant the two-bedroom single storey detached parish priest accommodation unit with three number car parking spaces and vehicular access, the Board did not agree with the Inspector, notwithstanding the perceived association with the church, that the detached residential unit to be used as priest accommodation would be consistent with, or ancillary to, the existing use of the site or considered acceptable in principle having regard to the Fingal County Development Plan 2023-2029 and the land use zoning objective, under which residential development is listed as a use class which is "Not Permitted".



Stephen Bohan

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

Dated this 21st day of February 2024.