



Edward Hogan,
EM Hogan & Associates
4 Hanlons Lane
Malahide
Co. Dublin.

**NOTIFICATION OF DECISION TO GRANT AND REFUSE PERMISSION
PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED**

Decision Order No. PF/1908/17	Decision Date 18 December, 2017
Register Ref. F17A/0274	Registered 22 November, 2017

Applicant J. Coyle

Development Residential development consisting of eleven residential units in four blocks as follows: (i) Block A consists of two x three storey four bedroom townhouses (195 sq.m.) with outdoor terrace at the third floor and inbuilt garage at ground floor, and one three storey four bedroom townhouses (211 sq.m.) with outdoor terrace at the third floor; (ii) Block B consists of three x three storey four bedroom townhouses (195 sq.m.) with outdoor terrace at the third floor and inbuilt garage at ground floor, and one three storey four bedroom townhouses (211 sq.m.); (iii) Block C consists of three x two storey three bedroom townhouses (121 sq.m.) with two car parking spaces to the front and (iv) Block D consists of one detached two storey three bedroom house with two car parking spaces to the front. Permission also sought for the demolition of the existing house on site, new site entrance onto Portrane Road, communal open space, internal roadway, footpaths and car parking spaces, hard and soft landscaping, attenuation area, solar panels on all houses, and all site works associated with the proposed development.

Reg. Ref.: F17A/0274

Location Dunrovin, Portrane Road, Donabate, Co. Dublin.

Floor Area 1910 Sq Metres

Time extension(s) up to and including

Additional Information Requested / Received 12-Jul-2017, 27-Oct-2017 / 18-Oct-2017,
22-Nov-2017

With reference to the above proposal submitted by you on 18th May 2017, you are hereby notified that the Planning Authority in pursuance of the powers conferred on it by the Planning and Development Act 2000, has decided to Grant Permission for 9 no. residential units, access roadway from Portrane Road, associated car parking, class 2 open space, boundary treatments, including boundary treatments to Portrane Road and public footpath to the road edge at Dunrovin, Portrane Road, Donabate, Co. Dublin subject to the conditions specified in Schedule 1, reason for the imposition of the conditions being as set out in Schedule 1 and to Refuse Permission for the three storey apartment block at Dunrovin, Portrane Road, Donabate, Co. Dublin as being contrary to the proper planning and development for the reasons set out in Schedule 2 herewith.

Schedule 1

Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and significant further information received on 27th November 2017, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. This decision permits 9 no. three bedroom houses only.

REASON: In the interest of clarity.

3. The development shall be carried out in accordance with Drawing No. 302-200 received on the 27th of November 2017 and the scheme shall comprise 9 no. dwelling units, associated car parking, access and roadway from Portrane Road, class 2 open space, road side boundary treatment and public footpath to Portrane Road.

REASON: In the interests of clarity.

4. The developer shall comply in full with the following:

- a) A revised site layout plan shall be submitted for the written approval of the Planning Authority prior to commencement of works demonstrating the provision of two in curtilage parking spaces for each of the dwellings.
- b) A 1.8 m wide continuous internal footpath layout shall be provided on site, the details of which shall be agreed in writing with the Transportation Division.
- c) Details of the raised table with pedestrian crossing on the public road shall be to the satisfaction of the Area Engineer, Operations.
- d) A taking in charge drawing shall be submitted for the written agreement of the Planning Authority prior to commencement of development. Areas that do not comply with the Councils requirements for taking in charge shall not be taken in charge.

REASON: In the interest of traffic safety and to ensure adequate infrastructure provision.

5. The following shall be complied with in full:

a) Prior to commencement of construction the developer shall submit the following for the written agreement of the Planning Authority:

i) Full details of surface water drainage arrangements shall be provided and shall demonstrate that the minimum attenuation volume for the critical duration event is provided on site.

ii) The shape and details of the detention basin shall be agreed in writing with Parks Section.

iii) The developer shall provide swales infiltration and trenches as source control measures in the management train or other measures as agreed in writing with the Planning Authority.

iv) The developer shall demonstrate suitable access to the flow control and interceptor devices for maintenance purposes.

v) In order to prevent the contamination of surface water runoff the bin storage area shall be drained into the foul sewerage.

b) No surface water/rainwater shall discharge into the foul sewer system under any circumstances.

c) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006.

REASON: In order to comply with the Sanitary Services Acts.

6. The following shall be complied with in full by the developer:

a) Water main loops shall serve a minimum of 4 houses and 1 fire hydrant.

b) Irish Water standard details document IW-CDS-5020-01 and Irish Water Code of Practice IW-CDS-5020-03 shall apply with regard to water supply.

c) Irish Water standard details document IW-CDS-5030-01 and Irish Water Code of Practice IW-CDS-5030-03 shall apply with regard to foul drainage.

d) Where the developer proposes to connect directly or indirectly to a public water/wastewater network operated by Irish Water, the developer shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

REASON: In the interests of public health and in order to ensure adequate drainage provision.

7. Prior to the commencement of development a revised site layout/ landscaping plan providing for street tree planting in front of the permitted dwelling units shall be submitted for the written agreement of the Planning Authority.
 - b) All trees located in grass verges shall be planted in integrated constructed tree pits details of which shall be submitted and agreed in writing with Fingal County Council.

REASON: In the interest of amenity.

8. The developer shall contact, ascertain and comply in full with the requirements of the Fingal County Council Public Lighting Section - Operations Department with regard to the provision of suitable lighting on site.

REASON: In the interest of adequate infrastructure provision and in the interest of residential amenity.

9. Prior to the commencement of development, the Developer shall enter into an agreement with the Council's Housing Department, under Section 96 of the Planning and Development Act 2000 (as amended), regarding the provision of social/affordable housing on this site.

REASON: In the interest of the proper planning and sustainable development of the area and to secure compliance with the County Development Plan 2017 - 2023 objectives relating to housing.

10. Full details of the external treatment of all houses shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. Such details shall be submitted in the form of trade brochures/ details and which shall clearly indicate the colour and type of material.

REASON: In the interest of visual amenity.

11. The removal of all rubble and material associated with the demolition of structures on site shall be carried out by a licensed and competent contractor to an approved waste disposal site.

REASON: In the interest of environmental protection.

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 the commencement of development. This plan shall provide details of intended construction practice for the development including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction waste;
 - (b) Location of areas for construction site office(s) and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking for site workers during the course of construction or arrangements made for car parking for site workers during construction in the vicinity;
 - (e) Details of the timing and routing of construction traffic on the adjoining public road network.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent spillage or deposits 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 vibrations. In addition, details for monitoring of their levels.
 - (j) Details of the manner of containment of all construction-related fuel and oil during the course of construction works and the measures to prevent fuel spillages.
 - (k) Details of off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated ground material.

(l) Details of measures to ensure that surface water run-off is controlled such that no silt or other pollutants enter the local surface water sewers or drains.

(m) Details of noise management measures during the course of construction phases of the development. 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.

(n) The plan shall include details of how construction traffic shall be managed via Portrane Road and associated road network during the course of the construction phase.

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

13. The following shall be complied with:

(i) The hours of operation on all construction sites shall be restricted to 8.00a.m. to 7.00p.m., Monday to Friday, and 8.00 a.m. to 2.00p.m. on Saturdays.

(ii) No activities shall take place on site on Sundays or Bank Holidays.

(iii) No activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 7.00pm and 8.00am.

(iv) No deliveries of materials, plant or machinery shall take place before 8.00a.m. in the morning or after 7.00p.m. in the evening.

(v) If there is any occasion when work must be carried on outside daytime hours, the Environmental Health Officer, local residents and businesses in areas which are likely to be affected by noise from the proposed works shall be notified in advance e.g. in letter or leaflet or advertisement form, of:

- a) Name, address and telephone number of company carrying out works
- b) Nature of and reason for works
- c) Likely duration and times of work

(vi) No outdoor burning shall occur on site. The site shall be secured to prevent access.

(vii) During any demolition and the construction phase, all necessary steps shall be

taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include i) covering skips, ii) covering slack heaps, iii) netting of scaffolding, iv) regular road and pavement damping and sweeping, v) use of water spray to suppress dust, vi) proper paved or hard stand access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site on to public roads etc.

In the interests of both public health and the environment the above guidelines shall be included in the work policy of those undertaking all large and small building. These details must be made known to all developers contractors and sub-contractors.

REASON: In the interests of public health.

14. That each proposed house be used as a single dwelling unit.

REASON: In the interest of clarity and to ensure proper planning and sustainable development.

15. That no dwelling be occupied until all services have been connected thereto and are operational.

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

16. That the area shown as open space be levelled, soiled, seeded and landscaped to the satisfaction of the County Council and to be available for use by residents on completion of their dwellings.

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

17. That an acceptable street naming and house numbering scheme be submitted to and approved by the Council well in advance of commencement of any works on site or marketing.

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

Note: Failure to have a naming and numbering scheme approved in time could result in a delay in marketing or the provision of utility company services to the

site. It is suggested that a number of alternative names be submitted together with a brief history of their origin, which should be of local historical significance. The street naming scheme should be in both English and Irish and the Irish version should be an Official translation, which can be obtained by contacting the Official translator, Dail Éireann.

18. That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the Council.

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

19. All bathroom/ en suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

REASON: In the interests of residential amenity.

20. That all public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.

REASON: In the interest of amenity.

21. That all necessary measures be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

REASON: To protect the amenities of the area.

22. That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, to the taking in charge standard of the Local Authority for roads, open spaces, car parks and drains has been given by:-

A. Lodgement with the Council of a Bond of any Body approved by the Planning Authority in the sum of €40,000.00 which shall be kept in force by him until such time as the Roads, Open Spaces, Car Parks and Drains are taken in charge by the Council.....OR/

B. Lodgement with the Council of a Cash Sum of €25,000.00 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification.

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.

23. The developer shall pay the sum of €107,167.00 (updated at date of commencement of development, in accordance with changes in the Tender Price Index) to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments and the provision of security to ensure payment shall be agreed in writing with the planning authority prior to the commencement of development.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority and which is provided, or which is intended to be provided by, or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January 2014, Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website www.water.ie, Tel. (01) 6021000.

Note 1: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

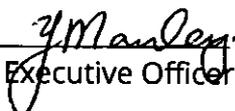
Note 2: The applicant is advised that the onus is on them to comply in full with the Building Control Regulations.

Schedule 2

Reasons

1. The proposed three storey apartment block located to the northern boundary of the site by reason of its design, architectural expression and limited contribution to the streetscape at this prominent town centre location would fail to provide a sufficiently high standard of development on site and would seriously injure the amenities of the area. The development as proposed would therefore be contrary to the proper planning and sustainable development of Donabate.
2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Signed on behalf of the Fingal County Council.

 19 December, 2017
for Senior Executive Officer

NOTES:

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Reg., Ref.: F17A/0274

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.
2. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5th September 2011 are as follows:

Case Type

Planning Acts

(a) Appeals against decisions of Planning Authorities

Appeal

(i) 1 st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 st party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 st party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

NB. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at **(01) 8588 100.**