

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Fingal County**

**Planning Register Reference Number: F15A/0609**

An Bord Pleanála Reference Number: PL 06F.248052

**APPEAL** by Brenda and Joe Doyle of Belview, Malahide Road, Balgriffin, Dublin and by the Irish Georgian Society of City Assembly House, 58 South William Street, Dublin against the decision made on the 26<sup>th</sup> day of January, 2017 by Fingal County Council to grant subject to conditions a permission to Gannon Properties care of Conroy Crowe Kelly Architects of 65 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of houses, apartments and shops and the change of use of Belcamp Hall, a protected structure (RPS Number 463), and its associated later extensions from educational uses to residential use, the chapel and the room in the north east part of Belcamp Hall ground floor to a community use, the three storey building on the north east to residential, café and childcare use. The works involve the refurbishment of Belcamp Hall and its later extension to provide 34 number apartments (15 number one-bed, 13 number two-bed, five number three-bed and one number four-bed), and comprise the general repair and conservation of the existing buildings, and other works as is necessary to adapt the buildings to their new uses. The works to the Georgian House involve the general repair and conservation of the historic building fabric, upgrading the floors and installation of a new pitched roof. The works to the existing extensions to the south involve the complete refurbishment and fit out of the fire damaged blocks including installing new pitched roofs with dormer windows and the installation of balconies. An existing stairs on the south east will be demolished and a replacement staircase constructed. An additional floor will be inserted into the southern block to provide additional accommodation at roof level. The works to the chapel involve the repair, conservation and reinstatement of the building fabric and its fittings and works

to adapt it to its new use. The three storey building to the north will be extended and converted to residential use on the first floor level, restaurant use on the ground floor and part basement level and a childcare facility at basement level. External brickwork and stone will be re-pointed and cleaned and rainwater goods and leadwork replaced. Decorative metal railings will be reinstated. Disabled access facilities will be provided to the chapel. New mechanical, electrical and waste services will be installed throughout. The works will also include external works, hard and soft landscaping, underground services, repairs to the external entrance stone bridge and other external stone paved features. The existing stone pillars and gates at the Malahide Road entrance to be relocated to a position within the development. The new works comprise: a courtyard of 27 number dwellings (six number three storey three-bed houses and one number three storey block containing eight number one-bed, one number two-bed and one number three-bed apartments, five number two-bed and one number three-bed duplex live/work units, and five number three-bed duplex units) and one number corner retail unit (51 square metres), on lands east of the walled garden; and one three-four storey block of 47 number apartments (12 number one-bed, 32 number two-bed and three number three-bed); one number three storey block of 16 number apartments (four number one-bed, and 12 number two-bed) over eight number retail units (621.5 square metres gross area); and 139 number terraced, semi-detached and detached two storey houses (three number two-bed, 86 number three-bed and 50 number four-bed) on lands between Belcamp Hall and Malahide Road. The development will include associated roads and infrastructure including a new east-west main road; services networks; 524 number car parking spaces (including 273 number on-curtilage); 118 number bicycle spaces; bin stores; landscaping works including regeneration of existing woodland and provision of foot paths along Mayne River valley east and south of Belcamp Hall and protection and management of walled garden and woodland west of Belcamp Hall; and all associated ancillary and site works; all on a site of circa 15.3 hectares with access from Malahide Road, all at Belcamp, Malahide Road, Dublin, on lands bounded by the Malahide Road to the east, Mayne River to the south and development lands to the west and north and to include Belcamp Hall, a protected structure (RPS Number 463). (As amended by the further public notice received by the planning authority on the 23<sup>rd</sup> day of November 2016).

## **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:

- (i) the zoning of the appeal site for residential development in the Fingal County Development Plan 2017-2023,
- (ii) specific objective Balgriffin/Belcamp 5, of the Fingal County Development Plan 2017-2023, which allows for a quantum of development on the Belcamp Local Area Plan lands to facilitate the rehabilitation and preservation of Belcamp House prior to the adoption of the Local Area Plan,
- (iii) the particular vulnerability of the Protected Structures on the appeal site, and
- (iv) the detailed design of the development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not comprise premature or piecemeal development, would not give rise to a significant risk of flooding or detract from the residential amenity of the area, would provide an appropriate quantum, mix and design of development, would provide for the rehabilitation and preservation of Belcamp House and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of an Natura impact statement) is not, therefore, required.

## **Environmental Impact Assessment**

The Board considered that the environmental impact statement submitted with the application, the reports, assessment and conclusions of the Inspector with regard to this file and other submission on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development.

The Board completed an environmental impact assessment, and assessed the likely significant effects of the proposed development, and concluded that the mitigation measures proposed and residual effects were acceptable. The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects on the environment of the proposed development would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

## CONDITIONS

1. 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 received by the planning authority on the 23rd day of November, 2016 and received by An Bord Pleanála on the 23rd day of March, 2017, 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. Prior to the commencement of the proposed development, a revised site layout plan shall be submitted to, and agreed in writing with, the planning authority omitting Block numbers 1, 2, 3, 4A, 4B and 5 from the development. Prior to the completion of the 49th residential unit, a separate planning application in respect of the parcels of land associated with Block numbers 1, 2, 3 and 5 shall be submitted. Provision shall be made for a childcare facility within this application to meet the requirements of the overall application site.

**Reason:** In the interest of visual amenity and to protect the character of Belcamp Hall.

3. In respect of Block number 6:
  - (i) prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, details of:
    - (a) planting proposed to the north elevation, evidence that planting on this elevation can thrive and details of the maintenance of the planting system, and
    - (b) a 1.8 metre high opaque screen shall be provided to the side of balconies on the southern elevation of the block.

- (ii) No additional development shall take place above roof parapet level (including all external plant and telecommunications equipment), unless authorised by a further grant of planning permission.

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

- 4. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, including:
  - (a) external finishes of buildings within the development, Belcamp Hall, Chapel, north block, Block number 6 and dwellings, and
  - (b) external finishes of New Square, Belcamp Square, School Square and Washington Square. Details shall include landscaping, street furniture, lighting, bicycle racks and litter bins.

**Reason:** In the interest of visual amenity and the creation of high quality public realm.

- 5. In respect of the housing units, prior to the commencement of the development revised details shall be submitted to the planning authority for written agreement providing for the following:
  - (i) Revised details in respect of House type J shall be submitted to, and agreed in writing with, the planning authority. This shall include omission of the hipped roof.
  - (ii) Relocation of rear garden access for Plot number 20 to the western side of the dwelling, to the satisfaction of the planning authority.
  - (iii) A separation distance of 2.3 metres between the side walls of plot numbers 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.
  - (iv) The position and design of photovoltaic panels on relevant house type drawings and the position of rainwater goods on all house type drawings.

- (v) Clarification of the boundary delineation between plots numbers 31 and 32 and 44 and 45.
- (vi) Details of the bin store for plot number 28.

**Reason:** In the interest of residential amenity and urban design.

6. Prior to the commencement of development, details shall be submitted to, and agreed in writing with, the planning authority in respect of the following:

- (i) A revised site layout plan showing the omission of units on plot numbers 68, 57, 87 and 77 and the provision of a flat area of open space adjacent to the Green Corridor between road 2 and road 7 as set out in the Site Layout Plans drawing numbers 1431 PA1 04 and 1431 PA1 05 submitted to the planning authority on the 23<sup>rd</sup> day of November, 2016.
- (ii) Revised drawings showing public open space provision and hierarchy which shall include the walled garden, in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023 (policy objective PM52 and Table 12.5) and to the satisfaction of the planning authority. All areas of public open space as set out in the agreed drawing shall be provided as part of the first phase of development as set out in the site layout Phasing plan drawing number 1431 PA1 20 submitted to the planning authority on the 23<sup>rd</sup> day of November, 2016.

**Reason:** In the interest of providing effective and usable amenity space.

7. Prior to the commencement of development, details shall be submitted to, and agreed in writing with, the planning authority in respect of the following:
- (i) A revised landscape plan, indicating the relationship between open space provision and Sustainable Drainage Systems provision, omission of trees within the line of sight from the eastern elevation of Belcamp Hall and the Washington Monument, repair of the balustrading to the north/south bridge across the ponds and omission of wildflower/native grass area within the semi-circular attenuation basin and replacement with grassed kick about area as set out in the Landscape Masterplan drawing number 300 Revision 2 submitted to the planning authority on the 23<sup>rd</sup> day of November, 2016.
  - (ii) Revised details in respect of the eastern attenuation pond (benching or staging of sides and removal of surrounding fencing) to the satisfaction of the planning authority. Any such proposal to retain volumetric capacity of pond and location relative to housing to the south east of the pond.
  - (iii) A detailed maintenance plan for the open space areas, green corridor and wetland areas, to include a Woodland Management Plan for the site.
  - (iv) A detailed Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement in accordance with BS 5837:2012. Trees shall be prepared by an appropriately qualified arborist/landscape professional. Tree protection measures shall be agreed with the planning authority in advance of commencement of development.
  - (v) Details on street trees to the satisfaction of the planning authority.

**Reason:** In the interest of visual amenity, nature conservation and provision of appropriate amenity open space.



8. A suitably qualified arborist/landscape professional shall be engaged prior to commencement and for the duration of the development to monitor site development works in a manner which shall be agreed with the planning authority, to include a mechanism for reporting to the planning authority during the construction programme, prior to the commencement of development.

**Reason:** In the interest of visual amenity, nature conservation and to protect the character of Belcamp Hall.

9. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
- (i) A revised site layout plan omitting the road proposed to the north of the site.
  - (ii) Details of the entrance off Malahide Road to include details of the boundary treatment to the north of the entrance and location of historic gate piers and side gates at this entrance.

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

10. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
- (i) Justification for the insertion of isothermal system to the stained glass windows.
  - (ii) Exact positioning of stained glass windows within the openings.
  - (iii) Details of all external fittings for Belcamp Hall, Chapel and the northern block shall be submitted to the planning authority for written agreement.
  - (iv) Details of all signage for the café and crèche which shall omit the high level signage from the eastern elevation of the northern block and which shall be confined to the ground level only and shall be non-illuminated.

**Reason:** In the interest of visual amenity and maintain the integrity of the Protected Structure.

11. Phasing as proposed in documents submitted with the application with the addition of the stained glass windows from the Harry Clarke studios shall be reinstated into the openings of the Chapel prior to the completion of Phase 1.

**Reason:** In the interest of visual amenity and to maintain the integrity of the Protected Structure.

12. Public lighting shall be provided in accordance with a scheme, which shall be undertaken in conjunction with a bat expert, 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 house, and shall include low level lighting along the riverside walkway from its junction with the Malahide Road to the point where it meets Road Number 2.

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

13. Prior to the commencement of development, revised details shall be submitted to, and agreed in writing with, the planning authority in respect of:

- (i) Parking for unit numbers 50, 54, 90 and 93 shall be taken into the curtilage of respective units.
- (ii) Allocation of all residential parking.
- (iii) The provision and location of all commercial parking, shall be segregated from residential parking.
- (iv) Revisions to the shared surface area long road 7 to provide two separate shared surfaces either side of the junction of road 7 with road 5.
- (v) Materials to be used in the shared surfaces.
- (vi) Details for the transition between shared surfaces and standard road construction (in particular, for the visually impaired).

**Reason:** In the interest of traffic and pedestrian safety.

14. Prior to the commencement of the development, details of areas to be taken in charge shall be submitted to, and agreed in writing with, the planning authority. These shall include the walled garden. All open space areas which are to be taken in charge shall be maintained as such by the developer, and at the time of taking in charge, they shall be vested in the ownership of the local authority at no cost to the authority as public open space.

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

15. Prior to the commencement of development, revised details shall be submitted to, and agreed in writing with, the planning authority, for the retention and restoration of the weirs at lake 1 and 2 while providing for controls of flow.

**Reason:** In the interest of preserving the historic landscape of Belcamp.

16. Prior to the commencement of development, a detailed mitigation statement shall be submitted to, and agreed in writing with, the planning authority indicating how the nine ecological mitigation measures set out in Chapter 6.6 of the environmental impact statement submitted to the planning authority on the 23<sup>rd</sup> day of November, 2016 shall be implemented. This shall include:

- (i) A timescale for implementation.
- (ii) A woodland management plan.
- (iii) An invasive species management plan.
- (iv) Details in relation to all other recommended ecological mitigation measures.

During the construction stage of the project, the developer shall retain a suitably qualified ecological clerk of works to ensure implementation of all ecological mitigation measures and the erosion control measures set out in the Construction Management Plan.

**Reason:** In the interest of nature conservation.

17. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority, proposals for a piece of art to comply with the requirements of the Fingal County Development Plan 2017-2023.

**Reason:** In the interests of residential and visual amenity.

18. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise (RIAI Conservation Architect, Grade1, or equivalent).

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

19. Prior to the occupation of the building, details of the operation and management of the interior of the Chapel, including the insertion of any internal or external signage, fittings, furniture or equipment shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of visual amenity and to maintain the integrity of the Protected Structure.

20. Prior to the occupation of the first dwelling, the developer shall submit to and agree in writing with the planning authority, a comprehensive assessment of the historic landscape of Belcamp for record, to include information by a suitably qualified professional on comparative features and planting between Belcamp and Mount Vernon. A copy of this record shall be submitted to the planning authority and a further copy shall be lodged in the Irish Architectural Archive.

**Reason:** In order to provide a record of the cultural heritage of the site.

21. The proposed café/restaurant located in the north block shall not operate outside the hours of 0830 to 1900 hours Monday to Sunday, including public holidays. No music or amplified sound shall be broadcast externally from the café within the north block.

**Reason:** In the interest of residential amenity and the amenities of the area.

22. In respect of the housing units, the following shall be provided, unless otherwise agreed in writing with the planning authority:
- (i) All bathrooms/en-suite windows and all windows at first floor level in the side elevations of houses shall be fitted and permanently maintained with obscure glass.
  - (ii) Boundary treatment subdividing dwellings to the front shall comprise a 900 millimetres high hedge and boundary treatment subdividing dwellings to the rear shall comprise two metres high block walls, suitably rendered and capped. The proposed concrete post and timber fences shall not be used.
  - (iii) Boundary treatment to the rear side private gardens, as indicated on the Detail Sheet plan drawing number 1330 302 Revision 2 submitted to the planning authority on the 23<sup>rd</sup> day of November, 2016 shall comprise a two metres high brick wall with concrete capping. The brick shall be the same in colour and texture as those used on the adjoining dwelling.

**Reason:** In the interests of visual and residential amenity.

23. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

24. 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. In this regard, prior to the commencement of development, details of the proposed rehabilitation of existing lakes, capacities, weirs and transfer pipework shall be submitted to, and agreed in writing with, the planning authority.

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

25. The management and maintenance of the proposed development other than those areas to be taken in charge under condition number 14 of this Order following its completion shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

26. During the operation of the development, entrance gates, security huts or security barriers shall not be permitted at the entrance to the development from Malahide Road.

**Reason:** In the interest of social inclusion.

27. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. No residential unit shall be occupied until all services have been connected and are operational.

**Reason:** In the interests of visual and residential amenity and the proper planning and sustainable development of the area.

28. Proposals for an estate/street name, house 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 house numbers, shall be provided in accordance with the agreed scheme. 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.

29. 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.

**Reason:** In the interest of sustainable waste management.

30. 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 intended construction practice for the development, including:

- (a) site development and building works shall be carried out only between the hours of 0800 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;
- (b) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse (which shall not be located within woodland areas);
- (c) location of areas for construction site offices and staff facilities;

- (d) details of site security fencing and hoardings;
- (e) details of on-site car parking facilities for site workers during the course of construction;
- (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (h) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; and
- (i) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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.

31. 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.



32. Prior to the commencement of development, a tree bond of €50,000 (fifty thousand euro) shall be lodged with the planning authority to ensure that trees are protected and maintained in good condition through the course of the development. The bond shall be held by the planning authority for a period of five years post construction, which may be extended, in the event of possible construction related defects.

**Reason:** In the interest of visual amenity, nature conservation and to protect the character of Belcamp Hall.

33. 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.

34. 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 the 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 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.

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

**Dated this            day of            2017.**