



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0295

Appeal by Iarnród Éireann of Pearse Station, Westland Row, Dublin and by Others against the decision made on the 14th day of December, 2017 by Fingal County Council to grant subject to conditions a permission to Colm Mohan and Sinead Mohan care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A four-storey (part two-storey/part three-storey and part four-storey), 90 bedroom residential care home/nursing home with associated ancillary/common facilities and office/administration areas along with 23 number surface level car parking spaces, set down area and 16 number bicycle parking spaces (eight number surface spaces and eight number secure covered spaces), a new vehicular access at Baths Road to the north and two number pedestrian entrances to Baths Road; one number ESB substation/kiosk; bin storage area; provision of ancillary amenity space and landscaping, including landscaping at the existing chimney of the former Sea Mills Hosiery Factory (Protected Structure RPS Reference Number 0019); boundary treatment; and all associated site and engineering works to facilitate

the development on lands at the former Sea Mills Hoisery Factory, Baths Road, Balbriggan, County Dublin.

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 'MC', Town Centre zoning, the policies and objectives of Fingal Development Plan 2017-2023, in particular PM48 and DMS46 which direct the location of care homes to towns and villages, the location of the site along the east of a railway line, the overall profile of the building and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have negative impact on the character and setting of the protected structure on the site or in the vicinity and would be acceptable in terms of traffic safety. 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 8th day of September, 2017 and the 20th day of November, 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. The development shall be amended as follows:
 - (a) The floor to ceiling height of each storey shall be reduced so as to ensure the height of the top storey (measured from the upper floor surface of the top to ground level) is less than 10 metres above ground level, such that the development shall only be required to be accessed by fire brigade pump appliances in lieu of fire brigade “high reach” appliances, which are currently designed in a manner to facilitate direct site access.
 - (b) In the alternative, the building height can be retained at the current height of 14 metres provided that a sprinkler system, firefighting cores and dry risers are installed within the propped development.

Revised drawings demonstrating compliance with either option (a) or (b) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure appropriate fire service access to the development, with reference to 7.8.3 of the Development Management Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in June, 2007.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority the following details -
 - (a) Additional road traffic signage shall be provided along the public road, at the expense of the developer, informing road users of the height restriction associated with the underpass to the west of the site (Railway Bridge UBB59). The signage shall comply with the latest edition of the Traffic Signs Manual and the specification, number and location of signs to be provided as agreed.
 - (b) The height restricting metal barrier over the public road, east of Railway Bridge UBB59, shall be relocated to the west of Railway Bridge UBB59.
 - (c) The developer and operator of the development shall ensure that service vehicle operators are informed of height restrictions at the bridge and include these measures in the Construction Management Plan.
 - (d) A Mobility Management Plan shall be submitted.
 - (e) The provision of 23 car parking spaces shall be a maximum provide on the site.
 - (f) Details of a pedestrian management system for shared surface under the Railway Bridge UBB59.

- (g) All underground and overhead service and poles shall be relocated.
- (h) No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900 millimetres.

Reason: In the interest of traffic safety.

- 4. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of an Invasive Management Species Action Plan, which shall include full details of the eradication of the Japanese Knotweed from the site before construction on the site.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

- 5. Prior to commencement of development, the development shall provide for the following:-
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
 - (b) The submission of details of all finishes.
 - (c) Details of the proposed interventions and finishes to the “Chimney of Former Sea Mills Hosiery Factory” shall be submitted to, and agreed in writing with, the planning authority.
 - (d) Repair works shall be completed before occupation of the proposed development.

- (e) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

- 6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
 - (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and

- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation, in-situ or by record, and protection of any archaeological remains that may exist within the site.

- 7. Details indicating the proposed methods of compliance with the recommendations of the “Resonate Acoustics” “Planning Stage Acoustics Report” shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the residential amenities of future occupants of the nursing home.

- 8. The landscaping of the development shall incorporate the hedgerow mix proposed along the eastern boundary to the southern boundary.

Reason: In the interest of residential and visual amenity.

9. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

10. 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.

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

11. 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.

12. 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 day of 2018.