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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F18A/0735**

**Appeal** by the Dublin Airport Authority Public Limited Company of Cloghran House, Dublin Airport, County Dublin and by Carrs Lane Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 24<sup>th</sup> day of April, 2019 by Fingal County Council to grant subject to conditions a permission to Carrs Lane Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the two existing office blocks (Balgriffin House and Glandore House), 'The Cottage' (dwelling) and related outbuildings and construction of a residential apartment scheme with a gross floor area of circa 5,749 square metres in two number blocks with an overall height of four storeys (with roof mounted solar collector panels and rooftop plant, which is setback and screened); comprising 59 number residential apartments (consisting of 22 number one-bedroom units, 30 number two-bedroom units and seven number three-bedroom units); creation of a new vehicular access from Carr's Lane to the north (and removal of existing vehicular access from Malahide Road at the north-east corner of the site); creation of new pedestrian access points from Malahide Road to the east; communal open space (circa 700 square metres) at ground floor level including provision of a dedicated children's play space; external bin storage;

68 number car parking spaces (including two number disabled spaces) and 144 number cycle parking spaces. The overall development will also include a new ESB substation; hard and soft landscaping; changes in level; boundary treatments; drainage works; communal refuse storage areas; internal roads; pedestrian footpaths and lighting; and all associated site development and excavation works above and below ground on land at the south-west corner of the junction between Malahide Road and Carr's Lane, (accommodating the former Balgriffin House and Glandore House, and 'The Cottage' (dwelling), Balgriffin, Dublin.

## **Decision**

**Having regard to the nature of the conditions the subject of the appeals, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 19 so that it shall be as follows for the reason set out and to ATTACH a further condition so that it shall be as follows for the reason set out.**

19. The developer shall pay to the planning authority a financial contribution of €323,732 (three hundred and twenty three thousand, seven hundred and thirty two euro) 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. This financial contribution amount of €323,732 is inclusive of the appropriate reduction in accordance with paragraph 10(i)(m) of the scheme in respect of existing structures on the site to be demolished. 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. The application of any indexation required by this condition 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.

**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.

### **Further Condition**

The noise mitigation measures identified in the Inward Noise Mitigation Impact Assessment report submitted to An Bord Pleanála on 25<sup>th</sup> day of July 2019 shall be implemented in full. Revised drawings and specifications showing compliance 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 visual and residential amenity.

### **Reasons and Considerations**

The Board had regard to the information submitted by the first party appellant on the 25<sup>th</sup> day of July 2019 relating to a measured site survey of existing buildings to be demolished and including dimensioned drawings and schedules. It is considered that adequate information has been provided to allow a determination of the demolition element for the purposes of paragraph 10(i)(m) of Development Contribution Scheme. Furthermore, the Board also had regard to the acceptance of both parties for the inclusion of a condition addressing the Dublin Airport Authority's request.

## **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.

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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**