

An
Bord
Pleanála

Board Order
ABP-310179-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0794

Appeal by Daniel Brennan of 19 Glenomena Park, Blackrock, County Dublin against the decision made on the 21st day of April, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the National Institute for Bioprocessing Research and Training (NIBRT) care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of an extension to the existing NIBRT facility consisting of removal of the existing prefabricated structures (total of 49.5 square metres) and associated access ramp, and construction of a two-storey extension to the existing Research and Training facility building to provide an additional 1,500 square metres of laboratory floorspace and ancillary facilities. The resulting total gross floor area of the building will be 7,985 square metres. The development will also consist of alterations to the elevations, roof and internal layouts of the existing building, hard and soft landscaping (including the removal of the existing berm), surface car parking, including re-configurations to the existing car park and new car parking spaces to provide an additional 58 number spaces, resulting in an overall total

of 80 number car parking spaces (including four wheelchair accessible spaces), two number bicycle parking shelters (total of 81.1 square metres), an additional servicing and delivery bay, plant and services (mechanical and electrical, water supply, sewage disposal and surface water disposal) and all other site development works above and below ground, all on a site of circa 1.4892 hectares at Belfield, Foster's Ave, Blackrock, County Dublin. The subject site contains the walls of the former walled garden associated with Merville House, which (along with the associated gate posts and piers) is a Protected Structure outside the application site (no works are proposed to the walls of the former walled garden through the application, nor to the Protected Structures). The proposed development was revised by further public notices received by the planning authority on the 25th day of March, 2021.

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:

- (a) the established use of the site and its relationship with the wider University College Dublin Belfield campus,
- (b) the location of the site at the UCD Belfield campus on lands with a zoning objective TLI “To facilitate, support and enhance the development of third level education institutions” under the Dún Laoghaire-Rathdown County Development Plan 2016–2022,
- (c) the provisions of the UCD Strategic Campus Development Plan 2016-2021-2026 and of the UCD Campus Travel Plan 2016-2021-2026,
- (d) the nature, scale and design of the proposed development,
- (e) the pattern of existing and permitted development in the area, with particular reference to planning register reference numbers D06A/1136 (An Bord Pleanála appeal reference number PL 06D.220758), and D07A/1395, and
- (f) the submissions and observations submitted with the application and the appeal;

the Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development at this location, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, and would not have significant adverse effects on the environment. 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 to the planning authority on the 25th day of March, 2021, 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 proposed development shall not be used for the production on an industrial scale of pharmaceutical/biopharmaceutical substances.

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

3. The proposed development shall be amended to omit 50 number of the surface car parking spaces proposed. Revised drawings showing compliance with this requirement shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that the development complies with the UCD Campus Travel Plan 2016-2021-2026 and in the interest of sustainable transport.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the development shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of orderly development and the visual amenities of the area.

5. 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. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

6. Prior to opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management of the company for the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.



7. A minimum of 10% of the proposed car parking shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of 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 transport.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all trees to be removed and those to be retained, indicating species, heights, crown spread and condition, and
 - (ii) the species and setting of all new planting,
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation, including details of phasing.

All planting shall be adequately protected from damage until established. 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.

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

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

10. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with

the provision of the Waste Management Plan for the Region in which the site is situated.

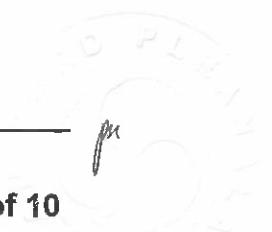
Reason: In the interest of sustainable waste management.

11. 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.

12. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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



13. The existing walls of the Walled Garden shall be fully protected throughout the construction phase of the development.

Reason: In order to protect the architectural heritage of the area.

14. 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.

15. 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 1st day of February 2022.