

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0401

Appeal by Brenda Doyle of Belview, Malahide Road, Balgriffin, County Dublin, by Fabian Campion of The Orchard, Balgriffin, Malahide Road, Dublin and by Gannon Properties by Downey Planning of 29 Merrion Square, Dublin against the decision made on the 3rd day of November, 2021 by Fingal County Council to grant subject to conditions a permission to the said Gannon Properties in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development will consist of the construction of 78 number residential units comprising 58 number houses (41 number two storey three-beds, 12 number two storey four-beds and five number three storey four-beds, all with associated car parking, and one number three storey multi-dwelling block consisting of 10 number own-door duplex units (six number two-beds and four number three-beds), two number two-beds own-door triplex units, and eight number apartments (six number one-beds and two number two-beds), all provided with private balconies/terraces and associated car parking and bicycle parking; landscaping; boundary treatments; public lighting; and all associated site infrastructure and engineering works necessary to facilitate the development.

The proposed development also includes new road infrastructure pertaining to the East West Link Road and the upgrading of the R107 Malahide Road junction with R123 to include the East West Link Road. These upgrade works to the R107/R123 junction include the closing of the existing Belcamp Manor access off Malahide Road and the provision of a new access off the East West Link Road. Access is from Malahide Road via a new internal road permitted under Register Reference F15A/0609 (ABP Reference PL06F.248052) and the East West Link Road from Malahide Road. No works are proposed which directly affect the structures at Belcamp Hall (a Protected Structure), or any other protected structures associated with it, all on lands at Belcamp Hall (a Protected Structure), Malahide Road, Belcamp, 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.

Reasons and Considerations

Having regard to:

- (a) the zoning of the site,
- (b) the location of the site and the provisions of the Fingal Development Plan 2023-2029 for the area, which include a Strategic Road Proposals for the East-West Distributor Road, Malahide Road to Stockhole Lane,



- (c) the location of the site within the curtilage of Belcamp Hall, a protected structure and Objective CSO34 of the Fingal Development Plan 2023-2029, which allows for a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House, and
- (d) the quantum, density, design and mix of the residential development proposed.

The Board noted the lands are located on the Belcamp lands. The Board noted that the dwellings proposed are in an area adjoining the permitted development F15A/0609 (Phase 1) and are part of a larger landholding including the lands subject to this permission. The Board noted the applicant's Planning Statement that described the proposal as an expansion of the permitted development, the Board concurred with this description. The Board noted that the works to the protected structure were permitted as part of Phase 1 and that this application does not include these works or amend the works permitted.

The Board noted the Belcamp objective in the 2023 Fingal County Development Plan no longer refers to the preparation of a Local Area Plan, the remainder of the objective is the same as the objective in the previous Development Plan and applies to this site. Having regard to objective CSO34 and the location and layout of these dwellings with respect to F15A/0609 the recommendation of the Inspector is considered appropriate in this instance.



It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with the provisions of the Fingal Development Plan 2023-2029 and with the prevailing pattern of development within the vicinity of the site. Furthermore, the proposed development would provide a suitable degree of residential amenity for future occupants and would not seriously injure the amenities of area or of properties in the vicinity, would facilitate the rehabilitation and preservation of Belcamp Hall 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 Screening

The Board considered the information on the file and the Board concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and a stage 2 appropriate assessment is not, therefore, required.

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 received by the planning authority on the 11th of October 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. Not more than 50% (39) of the residential units permitted on foot of this grant of planning permission shall be sold or occupied pending the full re-instatement of Belcamp House to the satisfaction of the planning authority.

Reason: To facilitate the rehabilitation and preservation of Belcamp Hall, a protected structure, in accordance with the requirements of Objective CSP34 of the Fingal County Development Plan 2023-2029 and in the interest of the proper planning and sustainable development of the area.

3. For the part of the application site that was within the boundary of PL06F.248052, apart from any departures specificity authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 17th day of June, 2017 under appeal reference number PL06F 248052, planning register reference number F15A/0609, and any agreements entered thereunder.

Reason: In the interests of clarity and to ensure that the overall development of the lands is carried out in accordance with the previous permission.

4. Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.



5. (a) Prior to the commencement of development, the final design and construction details of the proposed East West link road and all ancillary work relating to this road and its junction with the Malahide Road shall be agreed in writing with the planning authority. The design of the East West link road shall incorporate additional planted boundaries and landscaping between the roadway/road carriage and footpaths/cycle tracks.
- (b) Road Safety Audits for the proposed East West link road and its junction with the Malahide Road shall be prepared in accordance with the current Transportation Infrastructure Ireland Guidelines and submitted to the planning authority at relevant stages. Where the audits identify the need for design changes, revised design details shall be submitted to, and agreed in writing with, the planning authority. The developer shall carry out all necessary works in accordance with the agreed revised design.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets.

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



7. All the parking spaces to serve residential dwelling units shall be served with EV charging points. A minimum of 10% of the residential apartment parking spaces should have EV charging points from completion of the proposed development with all ducting and services provided as part of the proposed development to facilitate non-disruptive retro fitting of EV charging points for all the remaining residential parking spaces, including e-bike charging facilities. The locations and solutions for EV charging for on-street parking shall be agreed prior to construction.

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

8. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

9. The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

10. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.



11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Details of lighting of public rights of way shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and 0800 to 1400 hours 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.

13. 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 traffic management, 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.



14. Prior to the commencement of development, the developer shall submit to, and for the written agreement of the planning authority, a noise assessment in accordance with Objective DAO11 and Table 8.1 of the Fingal County Development Plan 2023-2029. The assessment shall include, where necessary, appropriate noise insulation measures that shall be incorporated into the design/construction of the development.

Reason: In the interest of residential amenity having regard to the location of the site with Zone C associated with Dublin Airport.

15. (a) Prior to the commencement of development, a taking in charge drawing shall be submitted to the planning authority for written agreement.
- (b) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (c) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.



16. 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 the commencement of development. The archaeologist shall assess the site and monitor all site development works.

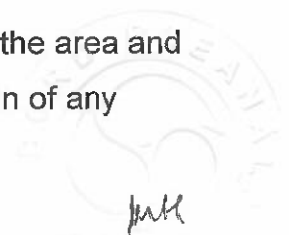
The assessment shall address the following issues:

- (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.

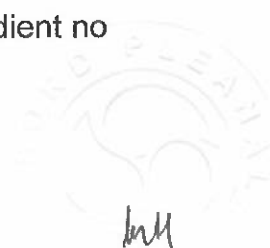
Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.



17. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

18. The developer shall comply with the following requirements of the planning authority:
- (a) The developer shall omit the roof on the proposed slide deck structure (to minimise anti-social behaviour) located within the play area. In the interest of clarity, all play areas to consist of bounded mulch or similar surface to EN1176 standard. Loose gravel, grass or mulch are not acceptable playground surface finishes. All play areas to be RoSPA or equivalent certified prior to taking in charge.
 - (b) Upon substantial completion of the construction, works relating to this application, the associated open space landscaping including tree planting shall be completed within the first planting season. The proposed play areas shall be open for public use prior to the occupation of the first dwelling and maintained by the developer until such time that the open spaces are taken in charge by the planning authority.
 - (c) Any failures shall be replaced by the developer within the following planting season until such time that the plantings become established.
 - (d) All swales to have one meter wide base and slope gradient no great than 1:5.

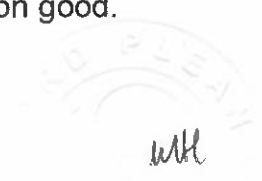


- (e) Substitute the proposed grass surface to the front of the existing re-located gate piers, to a high quality hard surface paving, in the interest of ease of maintenance with ride-on grass machinery.
- (f) Substitute proposed timber panel fence with concrete panel or blockwork for all 'back-to-back' rear garden boundary treatments.
- (g) The proposed section of Malahide Road boundary wall shall be rendered on both sides.
- (h) The proposed 1400 millimetres high railing shall be extended along the length of the East-West Link Road along with the proposed hedge, in the interest of pedestrian (child) safety. An estate type fencing finished black in colour will be acceptable.
- (i) Public lighting shall be set back seven metres from any existing or proposed tree.

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

19. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.



20. 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.

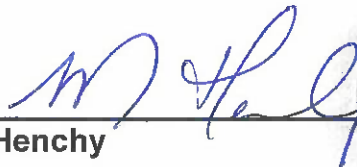
21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.



22. 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.



Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this

14th day of August

2023.