

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0488

Appeal by Brenda Doyle of Belview, Malahide Road, Balgriffin, Dublin against the decision made on the 28th day of January, 2022 by Fingal County Council to grant subject to conditions a permission to Gerard Gannon Properties care of Downey Planning of 29 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of 77 number residential units (20 number one-bedroom units; 55 number two-bedroom units and two number three bedroom units) across two number apartment blocks as follows; Block 1 with is a part three and part four storey apartment block comprising 51 number units (16 number one bedrooms; 33 number two bedrooms and two number three bedroom units) with balconies/terraces to all units; Block 2, which is a part three and part four storey apartment block comprising 26 number units (four number one bedrooms and 22 number two bedroom units) with balconies/terraces to all units; 65 number surface level parking spaces, a total of 184 number bicycle parking spaces (comprising 88 number resident spaces and 26 number visitor spaces in Block 1 and 56 number resident spaces and 14 number visitor spaces in Block 2); bin stores; landscaping and

boundary treatments. The proposed development also consists of all associated site infrastructure and engineering works necessary to facilitate the development (on foot of planning permissions granted under Register References F15A/0609, PL06F.248052; F18A/0058; F19A/0220 and F19A/0221). 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, Malahide, 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 sites planning history,
- (c) the location of the site and the provisions of the Fingal Development Plan 2023-2029 for the area, and
- (d) 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,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the plans and policies set out in the development plan, the zoning designation, the proximity of protected structures, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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 and the additional drawings submitted on the 23rd day of December 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. All restoration works which were permitted under Phase 1 (PL06F.248052) and any subsequent permission requirements should be completed to deliver the conservation and refurbishment of the protected structures on the landholding to the satisfaction of the planning authority prior to the occupation of any unit permitted under this permission for development.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the preservation of a protected structure.

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under appeal reference number PL06F.248052, and any agreements entered into thereunder.

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

4. Each apartment unit shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C associated with Dublin Airport.

Reason: In the interest of protecting residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed structures shall be as indicated on drawings submitted on the 15th day of September, 2021 and the 23rd day of December 2021, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. Prior to the occupation of the apartments, a naming and apartment numbering scheme shall be submitted to the planning authority for written agreement prior to the commencement of any works on site.

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

8. 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 should be agreed prior to construction.

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

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works. Parking spaces shall be a minimum of 2.4 metres in width.

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

10. 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.

Reason: In the interests of visual and residential amenity.

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

12. 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.

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 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 commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

15. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before the proposed development is made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

16. 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.

17. 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.

18. 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.

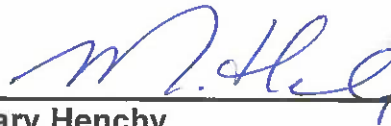
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

19. The developer shall comply with the following requirements of the planning authority:
 - (a) The appointed Arboricultural Consultant shall be engaged by the developer for the duration of the works to ensure retained trees are robustly protected from the impacts of construction works, to monitor the agreed protection measures and to liaise with the Parks and Green Infrastructure Division including a pre-commencement site meeting to inspect tree protection measures.
 - (b) In the interest of clarity, any tree shown for removal outside the red line and not previously permitted for removal shall be retained and protected from construction works.
 - (c) Prior to the commencement of works, the developer shall provide details of play equipment to the planning authority, equating to a minimum of 85 square metres (as per the Department's Design Standards for New Apartments) as shown on the Proposed Site Plan drawing number 143 PA4 1003 submitted to the planning authority on the 15th day of September, 2021.

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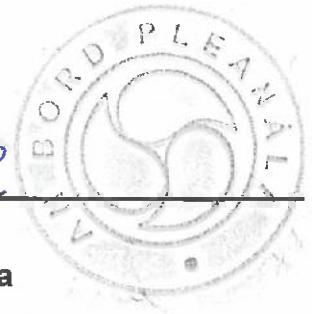
- (d) The appointed Landscape Architect shall be engaged for the duration of the works to ensure the agreed planting is implemented without delay upon substantial completion of construction works.

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



Mary Henchy

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



Dated this *14* day of *August* 2023.