

An
Bord
Pleanála

Board Order ABP-316297-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F22A/0426

Appeal by Brenda Doyle of Belview, Malahide Road, Balgriffin, Dublin against the decision made on the 22nd day of March, 2023 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: Construction of 32 number residential units (11 number one-bed units, 19 number two-bed units and two number two-bed live/work units) and three number retail units all contained within two number individual buildings as follows: a one – two-storey mixed use building comprising three number retail units in the single storey part of the building and two number two-bed live/work units in the two-storey part of the building (work spaces at ground floor level and residential units at first floor level with associated balconies) and a four-storey apartment building comprising 30 number units (11 number one-bed and 19 number two-bed) with associated balconies/terraces, car parking and bicycle parking, landscaping and boundary treatments, public lighting and all associated site and engineering works necessary to facilitate the development, all at Belcamp Hall, Malahide Road, Belcamp, Dublin (a protected structure).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars for 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 planning history of the site,
- (c) the location of the site and the provisions of the Fingal County Development Plan 2023-2029,
- (d) the location of the site within the curtilage of Belcamp Hall (a protected structure) and Objective CSO34 of the Fingal County 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
- (e) the nature, density, design, and scale of the proposed mix use development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would accord substantially with the provisions of the Fingal County Development Plan 2023-2029, would not seriously injure the visual amenities of the area or detract from the character of the protected structure, would provide a suitable degree of residential amenity for future occupants, would facilitate the rehabilitation and preservation of Belcamp Hall, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Board considered the information on file and 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 that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The proposed 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 24th day of February, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the occupation of any residential unit, including live/works units hereby permitted:
 - (a) All restoration works permitted under Phase 1 (An Bord Pleanála reference number PL 06F.248052) and any subsequent permission to deliver the conservation and refurbishment of the protected structures on the landholding shall be completed to the satisfaction of the planning authority. No units shall be occupied until the written agreement of the planning authority has been obtained in respect of this.

- (b) The area of open space proposed within the walled garden has been completed to the satisfaction of the planning authority and the area is open and available for use by residents.

Reason: To ensure the preservation of a protected structure and to provide a satisfactory standard of residential amenity and in the interest of the proper planning and sustainable development of the area.

3. The proposed live/work units shall not be subdivided unless by way of a further grant of planning permission.

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

4. (a) The use of the retail units hereby permitted shall be restricted to uses specified in Article 5 of the Planning and Development Regulations 2001, as amended, or Class 2 – Office/Professional Services (excluding use as a betting office) as set out in Schedule 2, Part 4 of the Planning and Development Regulations 2001, as amended.
- (b) Any change of use, subdivision, or amalgamation of the units, whether or not such change, subdivision or amalgamation would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, shall not be undertaken without the prior approval of the planning authority.
- (c) The hours of operation of the retail units and commercial element of the live/work units shall be within the hours of 8am to 9pm Monday to Saturday and 9am to 8pm on Sundays and Bank Holidays, unless otherwise agreed in writing with the planning authority.

- (d) No music or amplified sound shall be broadcast externally from any of the retail or live work units.

Reason: In order to clarify and regulate the use of the development hereby permitted in the interest of proper planning and sustainable development.

5. The proposed shopfronts shall conform to the following requirements:

- (a) Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering.
- (b) Internally illuminated or plastic signs shall not be used.
- (c) No roller shutters, awnings, canopies or projecting signs or other additions shall be erected on the premises without a prior grant of planning permission.

Reason: In the interest of visual amenity and to protect the character of the area.

6. 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.

7. Details of the materials, colours, and textures of all the external finishes to the proposed structures shall be as indicated on the drawings submitted to the planning authority on the 16th day of August, 2022, unless otherwise agreed in writing with the planning authority prior to commencement of development. The pitch slate roof to the 'L' shaped block shall be natural slate finish.

Reason: In the interest of visual amenity.

8. 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.

9. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

10. 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.

11. 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 the design standards outlined in DMURS.

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

12. A maximum of 37 number car parking spaces shall be provided. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory parking layout in the interest of pedestrian and traffic safety and of visual amenity.

13. A minimum of 10% of the residential apartment parking spaces shall 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.

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interest of amenity and public safety.

15. 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 interest of visual and residential amenity.

16. The construction of the proposed 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 proposed development, including hours of working, traffic management, noise management measures and off-site disposal of construction/demolition waste. The Walled Garden open space shall be an exclusion zone for construction related activities. No site compound, site office, car parking etc. shall be located within the Walled Garden nor shall the Walled Garden be used for the storage of any materials, machinery or other goods.

Reason: In the interest of public safety, residential amenity and the protection of architectural heritage.

17. The developer shall implement the recommendations set out in the Arboricultural Report (including Method Statement and Tree Protection Plan) and associated drawings submitted with the application. Prior to commencement of development, an Arborist shall be retained by the developer for the duration of the construction and shall commence a program for implementation of the recommendations contained in the submitted report. Such works shall be commenced as soon as possible and shall be completed within one year of the completion of development works. The Arborist shall carry out a post construction tree survey/assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all works are completed and in line with the submitted original tree report and landscape drawings. The certificate shall be submitted to the planning authority for written agreement prior to taking in charge.

Reason: To protect trees and hedgerows during construction.

18. (a) A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include details of all proposed hard and soft finishes, planting and boundary treatments and shall include detailed drawings of the railing for the boundary between the new built private spaces to the east and the forecourt area/open space to Belcamp.
- (b) All hard and soft landscape works and planting shall be completed, and all communal and public open space areas shall be open for use prior to occupation of the new residential units.
- (c) 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.

19. (a) The areas of the development for Taking in Charge shall be agreed in writing with the planning authority prior to commencement of development.
- (b) All areas not taken in charge by the planning 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 the development in the interest of residential amenity.

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.

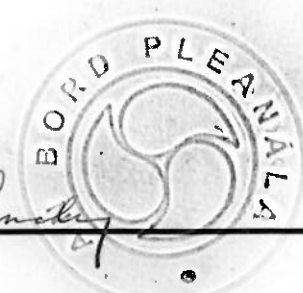
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 25th day of July 2024.