



An
Bord
Pleanála

Inspector's Report ABP-314169-22

Development	40 Residential units, childcare facility, and café (protected structure).
Location	Belcamp Hall, Malahide Road, Dublin 17
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F22A/0136.
Applicant(s)	Gerard Gannon Properties
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Brenda Doyle
Observer(s)	None.
Date of Site Inspection	5 th April 2023
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by a local resident against the decision of the planning authority to grant permission for a development of 40 residential units along with a café and creche next to the former Belcamp House, part of a large residential development on the former grounds. The site includes part of the walled garden of the 18th Century house. It is one part of a larger residential development including the former demesne lands of Belcamp.

Another development next to Belcamp House (a protected structure) is concurrent with this appeal – ABP-312848-22. The appeal argues that it is contrary to original overall permission for the landholding and the interest of protected the conservation interests of the area.

2.0 Site Location and Description

2.1. Belcamp House

Belcamp House, formerly Belcamp Hall, is a prominent great house designed by James Hoban, the architect of the White House in the US, located on the northern fringes of Dublin, located roughly between the M1/M50 junction and Baldoyle. It is west of the Malahide Road (R107) and north of the N32, which links the motorway junction to the Malahide Road. The house and demesne are on relatively flat land, with a gentle decline to the south towards the Mayne River, which formed the southern boundary of the demesne. The house dates from 1785 and was converted to a boarding school for boys in 1893 and extensively altered for this purpose, with a substantive chapel building on the north wing and a large school and dormitory built to the south. The main house is a seven-bay 3-storey over basement red brick house with, it is noted in the NIAH survey, a very fine oval entrance hall. There are ponds crated through impoundments of the Mayne River to the south. The former demesne lands have been largely developed for housing in recent years, with construction on-going.

2.2. Appeal site

The appeal site, which includes the protected structure and former demesne lands, is part of the overall landholding with a stated area of 3.57 hectares. It consists of

an irregularly shaped area of land north and north-east of Belcamp House. There are remains of the former walled garden extant but most of the lands are either overgrown and derelict or in use for servicing the ongoing construction works on the landholding. The land is mostly secured with fencing.

3.0 Proposed Development

The proposed development is fully described in the site notice, but includes the following key elements:

- A 4-storey mixed use building comprising 40 no. apartments (1 and 2 bedroom) with a childcare facility over ground and first floor levels with outdoor play area etc.
- A single storey café structure within the walled garden and associated terrace area.

Site plans indicate a service road running along the north of the site to service the west of the landholding – this is not part of the current application.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 31 generally standard conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Two reports on file, one subsequent to a request for further information.

- Notes the land is in zoning area 'RA' for new housing.
- Outlines the complex planning history of the site, nothing permission for a number of developments in the landholding.
- Notes a number of objectives in the development plan specifically applying to Belcamp.

- Notes that an LAP has not been prepared for the lands as stated in development plan objectives, but as the lands are part of Phase 1 which has been granted and that decision was upheld by ABP (**PL06F.248052**), it is considered that the principle is acceptable.
- It is noted that no works are proposed to the protected structure – the Conservation Officer has not objected, but recommended a condition such that no deviations from previous permissions relating to the protected structure should be permitted.
- The density is considered on the low side with regard to the Guidelines but is considered acceptable in the overall context.
- The overall design of both elements is considered acceptable.
- A condition is recommended to ensure that a suitably qualified conservation professional supervises the repair of the historic walls of the walled garden.
- The internal and external amenities of the residential units are considered to be in accordance with all relevant guidelines.
- The TTA is considered acceptable.

4.2.2. Other Technical Reports

Water and Drainage: Additional information requested.

Transportation: Additional information requested.

Parks and Green Infrastructure: No objection – conditions requested.

Housing: No objection.

Conservation: No objection subject to conditions.

4.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

4.4. Third Party Observations

One submission – objecting on a number of detailed issues.

5.0 Planning History

F21A/0488: Permission granted on foot of F15A/0609; PL06F.248052; F18A/0058 for 77 units. On appeal with the Board – ABP-312848-22.

F21A0487: 52 apartments – application withdrawn.

F21A/0450: Café structure within the walled garden – application withdrawn.

F20A/0379: Permission refused for 85 dwellings on the site – for reasons relating to the access road and the absence of a timeline for the restoration of Belcamp Hall and Chapel.

F19A/0220 and **F19A/0221** for 77 residential units on the site (none within the protected structure).

F18A0058: Permission granted for amendments to previous permissions (reducing the number of dwellings).

F15A/0609: Permission granted for the refurbishment of Belcamp Hall and the provision of 263 no. apartments. This was upheld by the Board on appeal (**PL06F.248052**). This decision is considered the ‘parent’ permission for the overall site and set the overall context for development.

6.0 Policy Context

6.1. Development Plan

The appeal site is within an area zoned RA in the Fingal County Development Plan 2017-2023 and in the 2023-2029 Plan (which came into effect on the 5th April 2023) in which the objective is to *‘provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure.’* It is within the curtilage of three protected structures associated with Belcamp House.

6.2. Natural Heritage Designations

There are two EU designated habitats within 10 km of the site. The river Mayne to the south of the site drains to Baldoyle Bay, which is an SPA (site code 004016) and an SAC (site code 000199), both around 3.5km east of Belcamp.

6.3. EIAR

The development, by way of its extent and scale does not represent a development for the purposes of Part 10 under Section 5 of the Act or fulfil criteria under Schedule 7 of the 2001 Regulations, and as such does not require EIAR.

7.0 The Appeal

7.1. Grounds of Appeal

The decision has been appealed by a local resident. I would summarise the key grounds of appeal as follows:

- The application is premature pending visible progress on the restoration of the protected structure. It is noted that the Conservation Officer has raised concerns previously.
- It is argued that the proposed development is contrary to condition 2 of **PL06F.248052**, which states that no unit may be occupied until all restoration works permitted are completed.
- It is argued that the proposed development is contrary to Objective CH20 of the development plan due to its impact on a protected structure.

7.2. Applicant Response

- The planning history of the site and its relationship to other developments in the landholding are summarised.
- It is noted that the planning authority accepts the principle of the development on the site.

- The application is discussed within the context of development plan policy, specifically CH-; CH21; CH22 with regard to architectural heritage.
- The applicant's argument with regard to prematurity and the development on Belcamp Hall are addressed. It is acknowledged that the building has been subject to vandalism, but it is now secure, and the discussions and agreements with the planning authority for the future of the structure is summarised.
- It is emphasised that the applicant's wish for the Board to fully accept that the proposed development is one part of a larger permitted scheme – the restoration of the protected structure will be the final part of this.
- It is noted with regard to the café element that Objective CH20 does not preclude this type of development.

7.3. Planning Authority Response

The planning authority requested that the Board uphold its decision.

7.4. Observations

None.

8.0 Assessment

Having inspected the site and reviewed the file documents I propose to assess the proposed development under the following general headings:

- Principle of development
- Design and context
- Internal and external amenities
- Cultural heritage
- Traffic and Transport
- Drainage and flooding

- Appropriate Assessment
- Other issues

8.1. Principle of development

The Fingal County Development Plan 2017-2023 (recently superseded by the adoption of a new plan in April 2023) zoned the overall lands as ‘RA’ *‘provide for new residential communities subject to the provision of the necessary social and physical infrastructure’* in the 2017-2023 development plan for Fingal. There is a policy objective to develop an LAP for the area, but one has not been adopted as of this date. At the time of the adoption of the 2017 Plan the lands was largely agricultural or derelict, but they are now substantively developed as a residential neighbourhood – construction was ongoing at the time of my site visit. The overall landholding has permission for 263 dwellings subject to the restoration of the protected structures on site (PL6F.248052). The site includes parts of a protected structure (the walled garden of the house). There is also a concurrent appeal relating to the landholding – ABP-312848-22. The latter is for 77 apartments immediately east of the protected structure and south of this site.

A new Development Plan (2023-2029) came into effect on 5th April 2023, but I do not consider that it substantially changes the zoning designation or related policies.

In addition to the development plan, I consider that a number of national and regional policies apply, including (not exclusively):

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
- Design Standards for New Apartments (March 2019 and updated)
- Urban Development and Building height Guidelines 2018;
- Design Manual for Urban Roads and Streets (2013);
- Smarter Travel – A New Transport Policy for Ireland (2009-2020);
- The Planning System and Flood Risk Management (2009);
- Childcare Facilities: Guidelines for Planning Authorities (2001).

The overall landholding is subject to a number of planning permissions, including ones decided by the Board on appeal. The proposed development is in line with the overall development of the site and the zoning designation, but the appellant highlights concerns – and these are reflected in comments by the planning authority, that the applicant is seeking to complete development of the landholding without adhering to previous commitments to restore Belcamp House and associated protected structures. I note that a number of conditions in permission PL6F.248052 relate specifically to the restoration of the main house, which has not yet commenced, apart from efforts to secure the building from more vandalism.

The appellants concerns are reasonable in this regard, and it should be a key planning concern for all permissions on the landholding that the protection and restoration of the structure of Belcamp House is central to the successful completion of the overall development of the former demesne lands. But I would concur with the planning authorities view that this can be successfully achieved through condition, specifically that any residential units on the lands cannot be occupied prior to a satisfactory resolution of all previous conditions relating to the restoration of Belcamp House.

Having regard to the zoning designation in both the previous and current development plan, and the planning history of overall landholding, I consider that the proposed development is in accordance with the strategic objectives for the site, subject to the resolution of design issues relating to the garden (a protected structure) and the overall policy context for such residential developments.

8.2. Design and context

The proposed development consists of a single 4-storey block of apartments on the north-eastern side of Belcamp House and the chapel. To indicate the relationship between the units I would refer the Board to the site sections submitted with the application, in particular drawing no. 1431 PA7 2001, submitted on the 16-03-22. The works are part of an integrated residential development on this important site and should be seen in the context of both recently completed units and the concurrent appeal ABP-312848-22.

The proposed 40 units on a stated area of 3.5 hectares would yield a gross density of 11 units per hectare, which is low for an urban site, but within the overall context is within a high density development and the walled garden precludes development over much of the site, so I do not consider that this is unacceptable. I also note that some of the site is required for a service road to the west of the house.

The residential block is consistent in scale with the 18th and 19th Century buildings adjoining the site and I would concur with the planning authority that it is generally in keeping with the pattern of development permitted under the parent permission – the Conservation Officer of the planning authority agreed with this conclusion.

The café is to be set within the walled garden. This is currently overgrown and has not been maintained for decades. The café is to be modest in scale and contemporary in design – the planning authority consider this to be an appropriate design response and has had particular regard to the need to develop an amenity for the overall development and to allow for restoration of parts of the walled garden – I would concur with this view, although I would note that a number of detailed landscaping issues need to be confirmed by condition.

8.3. Internal and external amenities

Fingal County Council refers to the BRE daylight guidelines in its development plan. I have examined the plans and I consider that all the proposed apartments meet the minimum requirements for internal amenity for daylight. They are also fully in accordance with the requirements for new apartments set out in the 2018 Guidelines: ‘Sustainable Urban Housing: Design Standards for new Apartments’ with regard to size, aspect, floor to ceiling heights, and internal services and amenities.

The separation distance from the individual blocks from each other, from the protected structure to the west, the proposed additional blocks in appeal ABP-314848-22 and the newly built phase east of this part of the site ensures that there is no overlooking, overshadowing, or loss of privacy beyond what would be normal in such a context.

I would conclude that the residential element is acceptable in terms of all stated development standards and guidelines. The café and creche elements are well

located relative to the residential elements and I do not consider that they would result in any amenity issues subject to standard conditions.

8.4. Cultural heritage

There are two protected structures close to the site and the site is within the former walled garden of the main house. Belcamp House is described in the NIAH as follows:

Attached seven-bay three-storey over basement red brick former house, c.1785, originally detached. Three-bay full-height central breakfront with rusticated ashlar granite to ground floor. Three-bay full height central bow to rear façade. Now in use as ecclesiastical residence and school. Detached eight-bay subterranean cellar range c.1785 at basement level to west of entrance façade. ROOF: Flat-roofed, originally pitched. Red brick chimneys with clayware pots. Cast-iron rainwater goods. WALLS: Red brick Flemish bond, with rusticated granite ashlar to ground floor central breakfront. Carved granite stringcourse to ground floor. Red brick parapet. OPENINGS: Timber sash windows with granite sills, set in round headed openings to ground floor, with square headed openings above. Timber panelled door with fanlight above. Venetian windows to side elevations. Glazed timber doors to rear. INTERIOR: Very fine oval entrance hall.

Belcamp House (sometimes referred to as Belcamp Hall) is considered to be of national importance. The adjoining 19th Century Chapel and Dormitory are of later date, but also considered to be of significant importance, as are structures in the adjoining lands including the gardens and pond. There is also a record of a rath to the east of the site although there are no visible remains. The walled garden has been unused and unmaintained for many decades and only wall structures remain of note. It is proposed to replace some missing elements such as the gates with features of contemporary design. The Conservation Officer states that the proposed landscaping adds interest and vitality to the space, although some amendments may be necessary by condition.

The appellant argues that in previous applications and appeals the developer has committed to restoring the protected structures, but as yet no works have taken place. The planning authority is satisfied that the works do not impinge upon the

protected structure and that a condition such that no occupancy is permitted until the works to the protected structure are carried out to its satisfaction is appropriate – I concur with this conclusion.

I am satisfied that subject to appropriate conditions the proposed development would not have an unacceptable impact on the fabric or context of the protected structures and would not result in damage to any archaeological remains.

8.5. Traffic and Transport

A Traffic & Transport Assessment was submitted with the application. The site is accessed via a service road linking to the Malahide Road. Malahide Road is served by a number of Dublin bus services. The overall impact on traffic has been assessed in previous applications and appeals and in terms of overall quanta for vehicle usage, I consider it to be acceptable. The overall provision of parking and bike parking is in line with development plan standards and the circulation space/parking around the development is generally in line with DMURS, although I note some ambiguity over bicycle parking. The planning authority did note some concerns with drop-off parking for the creche and the lack of parking for the café, but in overall terms it was considered acceptable.

The planning authority noted that all development should have regard to the South Fingal Transport Study (SFTS) undertaken in association with the NTA and TII. It is noted that while there are no issues with the proposals, the works should be phased in accordance with SFTS recommendations. The proposed East-West distributor road within the lands is proposed to run along the north side of the site – the planning authority considered this acceptable, but recommended a condition for detailed approval of details prior to works commencing.

8.6. Drainage and flooding

Irish Water indicated that they have no objection to the proposed development – the site is fully served with water and sewerage.

The proposed development is designed (as is the overall scheme for the area) on a SuDs basis, with details set out in a report attached with the submission.

The site is close to the River Mayne – this river has been altered over the centuries for drainage and to provide the ornamental ponds for the demesne on the opposite side of the protected structure. A Flood Risk Assessment was submitted. The site is within Flood Zone C (i.e. less than 0.1% AEP) and so is considered acceptable for flood risk. The proposed development includes for attenuation of run-off so does not alter downstream flood risks.

8.7. Appropriate Assessment

There are two EU designated habitats within 10 km of the site. The Mayne drains to Baldoyle Bay, which is an SPA (site code 004016) and an SAC (site code 000199). The Bay is around 2.5 km from the site. There are no other EU designated habitats within 10 km of the site. While the site is overgrown, there are no indications that the vegetation has any significant habitat value.

The planning authority carried out a screening, which noted the context of the site which has been subject to an overall approved scheme where consideration of the potential effects on European Sites were considered and it was concluded by itself or in combination with other developments in the vicinity, the proposed apartments would not be likely to have a significant effect on the nearby Mayne River and the Baldoyle Bay SAC and SPA.

The two EU designated habitats are both within Baldoyle Bay, a semi-enclosed area of salt water where Portmarnock beach and dunes encloses a section of sea. The SPA qualifying interests are a number of birds, i.e. Brent Goose, Shelduck, Ringed Plover, Golden Plover, Grey Plover, Bar tailed Godwit and 'wetland and waterbirds'. These are species characteristic of mudflats and coastal zones. The conservation objective is to maintain the favourable conservation condition of the habitat for these species.

The SAC more or less overlaps with the SPA. The qualifying interests are listed as mudflats and sandflats not covered by seawater at low tide, *Salicornia* and other annuals colonising mud and sand, Atlantic salt meadows and Mediterranean salt meadows.

Having regard to the history of the site, including past screening for AA, and the relatively small scale of the works, in addition to the attenuation between the site and the Natura 2000 sites, I concur with the conclusion of the planning authority.

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site code 004016 and site code 000199, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.8. Other issues

I do not consider that there are other significant planning issues raised in this appeal.

I note that the site is within Zone C associated with Dublin Airport, and so may require specific acoustic protection within the apartments.

I note that a Part V agreement would be required. The planning report (p.14) outlines a number of historic issues with the overall development, in particular the developers wish to put all social and affordable housing in one block. The planning authority notes this should be prohibited in future developments in Belcamp, but with regard to this application is considered a legacy issue.

I also note that the proposed development would be subject to a standard S.48 Development Contribution and would not be subject to any other contributions.

9.0 Recommendation

I recommend that the Board uphold the decision of the planning authority to grant permission for the following reasons and considerations, subject to the conditions set out below.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Fingal County Council Development Plan 2017- 2023 and the Fingal County Council Development Plan 2023-2019;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (d) The Guidelines set out in the Sustainable Urban Housing: Design Standards for new Apartments 2018;
- (e) the nature, scale and design of the proposed development and in particular the relatively modest number of dwellings proposed;
- (f) the availability in the area of a limited range of educational, social, community and transport infrastructure;
- (g) the pattern of existing and permitted development in the area;
- (h) the submissions and observations received.

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, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of its impact on protected structures 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.

11.0 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 on the 7th day of June 2022, 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 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. Prior to the commencement of development, the developer shall submit to the planning authority revised details for the location of bicycle parking

spaces, the number of bicycle parking spaces, and details of the bicycle parking spaces serving the 'walled garden' and 'café.

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

5. . 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.

6. . All works to the walled garden, including landscaping and boundary walls, shall be competed to the satisfaction of the Planning Authority prior to the occupation of the permitted residential units.

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

7. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
(c) All existing original features shall be protected during the course of

refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

8. . 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.

9. Details for signage for the café shall be submitted prior to the commencement of development for the written agreement of the planning authority.

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

10. Details of the materials, colours and textures of all the external finishes to the proposed structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

11. 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.

Reason: In the interest of public health.

12. Prior to the occupation of the apartments a naming and apartment numbering scheme shall be submitted to the Council 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.

13. 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.

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

14. 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 interests of pedestrian and traffic safety and of visual amenity.

15. 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 interests of amenity and public safety.

16. 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.

17. The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Saturday inclusive except public holidays, and shall not operate on Sundays or public holidays.

Reason: In the interest of residential amenity.

18. No external security shutters shall be erected on either of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

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

20. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

21. 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] [any of the commercial units] are made available for occupation.

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

22. 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.

23. 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.

24. 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.

Philip Davis
Planning Inspector

12th May 2023